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The Florida Bar
Unlicensed Practice of Law (UPL) Department
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050

ATT: Ghunise L. Coaxum, UPL Counsel/Orlando

RE: Protecting the Public

- (1) Investigation of Complaint #20153035(18A) –“Unlicensed Practice of Law”;
- (2) “Reporting Professional Misconduct” Pursuant to Rule 4-8.3 of the Florida Rules of Professional Conduct.

Dear Ms. Coaxum:

This responds to David Baum’s frivolous, bad-faith complaint against me for “unlicensed practice of law”, dated November 20, 2014 (#20153035(18A)). The complaint form expressly requires execution of an oath and warns “False statements made in bad faith or under malice may subject you to civil or criminal liability”. The oath, which Mr. Baum has executed both on the complaint form and by his attachment reads: “Under penalty of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true”.

Undisclosed by Mr. Baum is that simultaneous with the filing of his complaint with the Florida Bar his attorney, William Hennessey, Esq., was filing a motion with Brevard County Circuit Judge John Harris and a motion with the Fifth District of Appeal, each for an order “prohibiting the unlicensed practice of law and interference by Elena Sassower”. These two motions were largely identical to each other and to Mr. Baum’s complaint –and it is reasonable to infer that Mr. Baum’s complaint was, in fact, written by Mr. Hennessey. In any event, all three are fashioned on the same *verbatim* material falsehoods and omissions.

My response to the eight-paragraph complaint that Mr. Baum has sworn-to as true is as follows:

As to Mr. Baum’s ¶1: Mr. Baum identifies only a single case that his sister, Anneen Nina Gloria Baum, filed against him pertaining to the estate of their father, Seymour Baum, pending before Judge Harris. In fact, Ms. Baum had two cases pending before Judge Harris: her will contest case, to which Mr. Baum’s ¶1 refers, #05-2012-CP-048323, and, additionally, her related adversary proceeding, #05-2013-CP-028863.

As to Mr. Baum's ¶2: Mr. Baum identifies that Judge Harris dismissed Ms. Baum's will contest case for failure to serve the pleading and "engaging in dilatory conduct and stall tactics". In so representing – and in stating that the briefs on Ms. Baum's appeal had not yet been filed – Mr. Baum conceals his knowledge that there is NO evidentiary or legal basis for what Judge Harris did in the will contest case and in the companion adversary proceeding, also the subject of a notice of appeal by Ms. Baum. This was demonstrated, in the first instance, by my independent analysis of the record,¹ which I set forth in a document I prepared for Ms. Baum's then counsel, Hoffman & Hoffman, P.A. Entitled "Procedural History of William Hennessey's Fraudulent and Materially False and Misleading Orders, Signed by the Trial Court", it prompted the Hoffman firm to include portions in its August 4, 2014 settlement conference memo and to file an August 13, 2014 Amended Motion for Relief from Court Orders pursuant to Florida Rule of Civil Procedure 1.540(b).

As to Mr. Baum's ¶3: Mr. Baum conceals that I am a long-time friend of his sister – having met her in May/June 2006, a period in which Mr. Baum was in continual contact with Ms. Baum – as he was throughout the years to December 2010 in which my friendship with her was the most intense. Mr. Baum was aware that, strictly as a friend, and without payment of any money, I was providing his sister with substantial legal assistance for both civil and criminal matters in which she was involved. Mr. Baum also met me, in December 2009, at his sister's apartment, together with their mother, and, as I recollect, spoke with me on several occasions by phone in the year thereafter in connection with his sister's legal difficulties. Mr. Baum's ¶3 does not identify any of this. Instead his reference to me is as:

“a New York resident...who works for an organization called ‘Center for Judicial Accountability, Inc.’ which claims that one of its purposes is ‘documenting how judges break the law and get away with it.’ (www.judgewatch.org).”

Even still, he does not purport that my assisting his sister in her two cases against him is for any fee. Indeed, I received not a cent for assisting my friend, which I did, at the sacrifice of every other obligation, professional and personal, only because of her desperate entreaties for my help, in July 2014, occasioned by the abusive, improper behavior of her attorneys, while she lay sick and defenseless in her hospital bed.

Mr. Baum's ¶3 also conceals that his sister was not willingly “representing herself *pro se*”. Indeed, she was the most unwilling *pro se*: Judge Harris having relieved the Hoffman firm, over her objection, less than a month before the October 21, 2014 evidentiary hearing scheduled on her August 13, 2014 Amended Motion for Relief from Court Orders – an evidentiary hearing that the Hoffman firm had attempted to undermine and sabotage before moving to withdraw, doubtless

¹ As to the importance of record analysis, see “*Legal Autopsies: Assessing the Performance of Judges and Lawyers Through the Window of Leading Contract Cases*”, 73 Albany Law Review 1 (2009), by Gerald Caplan. “Attorneys and judges perform at a low level of visibility. Assessment is possible but forbidding because studying the relevant documents - briefs, transcripts, and lower court records - is arduous and time-consuming.” (at p. 2); “Performance assessment cannot occur without close examination of the trial record, briefs, oral argument and the like.” (at p. 53).

because of their serious and substantial conflicts of interest.

Suffice to say, Ms. Baum, in her motion papers, did not describe herself as “*pro se*”, but as “unrepresented by counsel” – and my assistance to her included helping her locate successor counsel. Yet, despite exhaustive efforts by both of us, we were unable to find an attorney to represent her, either because of conflicts of interest, the perceived complications of the case, financial considerations, or time constraints. Only at the last minute did Ms. Baum find an attorney to represent her at the October 21, 2014 evidentiary hearing – Tino Gonzalez, Esq., who had worked for her father and knew of his testamentary and other wishes. He stepped forward, as I had, out of compassion for Ms. Baum and for no fee, and relied on me, to assist him as his paralegal.

As to Mr. Baum’s ¶4: Mr. Baum states that Ms. Baum’s motion papers identified that she was “assisted” by an “independent reviewer”. In fact, Ms. Baum’s motion papers were far more specific and identified, from the outset, that this “independent reviewer” was:

“the same independent reviewer of the trial court record whose discovery of Mr. Hennessey’s fraud, misrepresentation, and other misconduct, embodied in a meticulous, record-based ‘Procedural History’ (Exhibit #1), gave rise to the August 13, 2014 Amended Motion for Relief”. (Nina Baum’s September 8, 2014 Affidavit to the Fifth District Court of Appeal in support of her Opposition to Mr. Hennessey’s Motion for Reconsideration of its August 22, 2014 Order Relinquishing Jurisdiction, at ¶3).

Mr. Baum’s ¶4 also states that it was in the context of my “being disruptive” and “interfering with the proceedings” at the October 21, 2014 hearing that I identified myself as “the author of the procedural history based upon an independent review of the record”. This is false – and Mr. Baum does not describe anything “disruptive” and “interfering” that I had done. Instead, he quotes from the transcript of the hearing where Judge Harris states: “You’re being disruptive. You’re interrupting. I’ve had enough of it. You need to go behind the bar, please” – which does not identify what I had done. As Mr. Baum knows, because he was present at the October 21, 2014 hearing, my SOLE transgression consisted of attempting to furnish Mr. Gonzalez with notes and documents to assist his examination of witnesses. Ms. Baum had stated this in her November 12, 2014 motion to disqualify Justice Harris for demonstrated actual bias – annexing the transcript pages as establishing:

“the Court’s handicapping my hearing counsel, Tino Gonzalez, Esq., at the October 21, 2014 evidentiary hearing by ordering his paralegal assistant – the independent reviewer of the record, who had authored the ‘Procedural History’ – to leave the counsel table for no reason other than her attempting to furnish him with notes and documents to assist his examination of witnesses (Exhibit C: pp. 169-170) – the necessity of which was evident from his performance.” (italics and underlining in the original).

The accuracy of this paragraph – as likewise the balance of Ms. Baum’s November 12, 2014 disqualification motion – was not disputed by Mr. Hennessey’s response – a fact Mr. Baum does not reveal.

As to Mr. Baum’s ¶5: Mr. Baum states:

“Ms. Sassower has ‘assisted’ in preparing multiple motions which have accused my counsel and Ms. Baum’s prior counsel of committing a fraud on the court. She has also ‘assisted’ in the preparation of a motion to recuse the judge alleging that Judge Harris has engaged in ‘judicial fraud’. Her conduct has been disruptive to the trial court and appellate proceedings.” (underlining added).

Mr. Baum does not specify how the motion papers I “assisted” Ms. Baum with have been “disruptive to the trial court and appellate proceedings”. Inferentially it is because they “accused [his] counsel and Ms. Baum’s prior counsel of committing a fraud on the court” and “alleg[ed] that Judge Harris has engaged in ‘judicial fraud’”.

This is false. None of these motion papers are based on “accusations” that Mr. Hennessey or the Hoffman firm committed “a fraud on the court” or on “allegations” that Judge Harris had committed “judicial fraud” – as if the fraud was singular and not fully-documented therein. To the contrary, the serial fraud committed by them was fully documented, beginning with the “Procedural History” – whose accuracy no one has denied or disputed – and continuing with every other motion paper I assisted Ms. Baum with – whose accuracy also has not been denied or disputed.

As to Mr. Baum’s ¶6: Mr. Baum states that he has:

“attached a copy of the motions (without their voluminous exhibits) which specifically state that the ‘independent reviewer’ is assisting in the preparation of the pleadings.”

Conspicuously, he did not include an inventory of what he was attaching. Upon my request for these attachments, you supplied the following four motions that Ms. Baum submitted to Judge Harris:

- Ms. Baum’s October 14, 2014 “Emergency Motion” to participate telephonically or by video teleconferencing (skype) at the October 21, 2014 evidentiary hearing, without its exhibits
- Ms. Baum’s November 12, 2014 “Motion for Rehearing” of Judge Harris’ November 3, 2014 Order and, in conjunction therewith, disclosure of facts bearing upon his fairness and impartiality, without its exhibits;
- Ms. Baum’s November 12, 2014 “Motion to Disqualify” Judge Harris for demonstrated actual bias, with all its exhibits.

- Ms. Baum's November 13, 2014 "Motion for Disqualification of Judge", which had no exhibits.

Of these, I had nothing to do with Ms. Baum's November 13, 2014 "Motion for Disqualification of Judge". I also had nothing to do with the single motion to the Fifth District Court of Appeal that you supplied me: Ms. Baum's November 14, 2014 "Motion to Relinquish Jurisdiction", with exhibits. These two motions were made by Ms. Baum, with the assistance of Mr. Gonzalez – and there is absolutely no basis for Mr. Baum to be purporting otherwise. Not only are they completely different in style from the other three motions that Mr. Baum furnished you, but neither recites what those three motions each do, namely, that Ms. Baum was aided in making them by the "same independent reviewer of the record" as had written the "Procedural History" that gave rise to the August 13, 2014 Amended Motion for Relief from Court Orders.

Mr. Baum does NOT claim, let alone specify, a single inaccuracy, either in fact or law, in the three motions I assisted Ms. Baum with that he provides – or in any others that I assisted Ms. Baum with. Consequently, he has furnished not an iota of evidence to support his clam that my "conduct" or "the filings" I assisted Ms. Baum with – all completely accurate – have been "disruptive" or "interfered" with proceedings. Indeed, what is revealed by examination of ALL the motion papers I assisted Ms. Baum with – each identifying that she was being assisted by the same "independent reviewer of the record" as had authored the "Procedural History"— is that I, a non-lawyer, and Ms. Baum, a non-lawyer, have chronicled, in the most exemplary, pain-staking fashion, the obliteration of any cognizable judicial process by lawyers and judges jettisoning the most basic legal and ethical standards.

Mr. Baum's ¶6 also purports:

"Ms. Sassower's activities are clearly the unauthorized practice of law. *See The Florida Bar v. Mills*, 410 So. 2d 498 (Fla. 1982) (holding that a non-lawyer may not assist in the preparation of pleadings or give advice on case law or court process); Fla. Stat. 454.23."

Neither *Florida Bar v. Mills* nor Florida Statute 454.23 is authority for proscribing me from assisting my friend, Ms. Baum, in the circumstances at bar. To hold otherwise would be unconstitutional – and leave a litigant who has been victimized by unscrupulous attorneys and judges and who, by reason of their misconduct and the damage it has caused, is unable to secure representation by counsel, without the smallest of lifelines that a skilled layman can provide. Because I – and the public at large – would be well served by a formal advisory opinion with respect to these circumstances, I will send a written request for same, pursuant to Rule 10-9.1 of the Rules Regulating The Florida Bar, to the Unlicensed Practice of Law Department of the Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300.

The premise behind the "unlicensed practice of law" is that only lawyers can be relied upon to uphold the high standards of competence and professional responsibility required for the practice of

law and that the bar will punish and remove violators from its midst.² I, therefore, respectfully request that ALL lay and lawyer members of the UPL Committee review the most important additional motion papers that I assisted Ms. Baum with – not supplied by Mr. Baum – so that the Florida Bar can discharge its mandatory duty pursuant to Rule 4-8.3 of the Florida Rules of Professional Conduct. Entitled “Reporting Professional Misconduct”, Rule 4-8.3 states:

“(a) Reporting Misconduct of Other Lawyers. A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.

(b) Reporting Misconduct of Judges. A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office shall inform the appropriate authority.” (underlining added).

These most important additional papers are:

- Ms. Baum’s September 8, 2014 Affidavit to the Fifth District Court of Appeal in Opposition to Mr. Hennessey’s Motion for Reconsideration of its August 22, 2014 Order Relinquishing Jurisdiction – whose Exhibit 1 is the “Procedural History I authored and whose Exhibits 2 and 3 are the chains of e-mail between Ms. Baum and her attorneys I compiled – ALL dispositive of Ms. Baum’s entitlement to vacatur of the court orders being appealed, *as a matter of law*;
- Ms. Baum’s October 14, 2014 Affidavit to Judge Harris, Clarifying, Supplementing, and Further Supporting her Amended Motion for Relief from Court Orders, Including for Purposes of Summary Determination Thereof;
- Ms. Baum’s October 17, 2014 Affidavit to Judge Harris, in Opposition to Teresa Hoffman’s Emergency Motion to Quash Trial Subpoena & Subpoena *Duces Tecum*

² *Florida State Bar v. Sperry*, 140 So. 2d 587, 595 (Fla. S. Ct. 1962):

“The reason for prohibiting the practice of law by those who have not been examined and found qualified to practice is frequently misunderstood. It is not done to aid or protect the members of the legal profession either in creating or maintaining a monopoly or closed shop. It is done to protect the public from being advised and represented in legal matters by unqualified persons over whom the judicial department can exercise little, if any, control in the matter of infractions of the code of conduct which, in the public interest, lawyers are bound to observe.” (underlining added).

- Ms. Baum's October 30, 2014 Affidavit to Judge Harris, in Reply to Mr. Hennessey's Response to her Amended Motion for Relief from Court Orders & in Further Support of her Amended Motion for Relief.

Also, so that the lay and lawyer members of the UPL Committee will have no question as to the decisive state of the record on Ms. Baum's culminating November 13, 2014 Motion for Judge Harris' Disqualification for Demonstrated Actual Bias and on her November 13, 2014 Motion for Rehearing & Disclosure by Judge Harris – both motions furnished by Mr. Baum with his complaint – I also respectfully request that they each review Ms. Baum's November 24, 2014 Affidavits in Reply to Mr. Hennessey's Responses to those motions – and Judge Harris' December 1, 2014 Orders, written by Mr. Hennessey, denying the motions.

To assist the UPL Committee members in reviewing this documentary proof of fraud and deceit by members of the Florida Bar, corrupting any semblance of judicial process, I have constructed a webpage on the Center for Judicial Accountability's website, www.judgewatch.org, with the substantiating record documents. The webpage, entitled "The Florida Bar – 'Unlicensed Practice of Law' & 'Reporting Professional Misconduct' of Licensed Lawyers (& Judges)", is accessible *via* the left sidebar panel "*Searching for Champions-Bar Associations*".

As to Mr. Baum's ¶7: Mr. Baum attempts to bootstrap the complete lack of evidence to support his complaint by interjecting matter that is not only irrelevant, but which he reasonably knows to be false from case file documents posted on the Center for Judicial Accountability's website.³ Thus, he states:

"Though not licensed to practice law, Ms. Sassower has a long and well documented history of encouraging and pursuing inordinately oppressive and vexatious litigation – which she will continue to do in Florida if she is not stopped."

Neither the three motions that Mr. Baum has furnished, nor any of the other motions and papers that I have assisted Ms. Baum with, remotely reflect "oppressive and vexatious litigation". To the contrary, they establish how READILY a respect for record-based evidentiary facts and black-letter law could have obviated the time, effort, and expense of hearings and appeals. Consequently, even were there any truth to my supposed "long and well documented history" that Mr. Baum purports – and there is NONE – it would be irrelevant, as my assistance to Ms. Baum, the subject of Mr. Baum's complaint, demonstrably meets the highest professional standards.

Indeed, Mr. Baum's ¶7 seeks to do precisely what my "Procedural History" (at pp. 4, 5, 7, 8, 22, 27) chronicles Mr. Hennessey to have done before Judge Harris, *to wit*, in the complete absence of ANY evidence that Ms. Baum, rather than her attorneys, was responsible for the failure to effect service of her pleadings in her two cases, Mr. Hennessey sought to prejudice and mislead Judge Harris by

³ See, *inter alia*, left sidebar panels "*Test Cases – State (Commission)*"; "*Disruption of Congress*"; "*Judicial Discipline-Federal*".

introducing inflammatory materials pertaining to Ms. Baum's alleged conduct in other cases, having NOTHING to do with her conduct in her two cases before Judge Harris. Mr. Hennessey repeated this tactic before the Fifth District Court of Appeal.

As to Mr. Baum's ¶8: Mr. Baum once again references the "disruptive nature of the conduct and the filings" – this time in support of the Florida Bar's investigation of my supposed unauthorized practice of law "on an expedited basis". The only expedition the record supports is for the Florida Bar's referral of the attorneys and judges herein to disciplinary and criminal authorities for fraud: starting off with Mr. Hennessey and Judge Harris. This, in addition to referral of Mr. Baum for his bad-faith, materially false and misleading complaint.

* * *

I am eager to assist the UPL Committee to the fullest so that the Florida Bar can discharge its mandatory duty to uphold the integrity of the profession, sullied by the lawyers and judges involved in Ms. Baum's will contest/adversary proceeding cases. For that reason, I am buttressing this response with the same oath as was required of Mr. Baum:

"Under penalty of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true."

Needless to say, I am most pleased that this response and "the UPL record in this matter" will "become accessible to the public upon closure of the case". Based on the UPL Committee's findings of fact and conclusions of law with respect to the "Procedural History" that underlies everything subsequent, I have no doubt that closure – ultimately, if not immediately – will be upon a determination resoundingly in my favor: that being the only constitutional determination possible in the circumstances at bar.

Thank you.

Very truly yours,



ELENA RUTH SASSOWER

cc: Nina Baum
Tino Gonzalez, Esq.
UPL Dept./Florida Bar/Tallahassee