

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NO. 99-325, SHELDON SCHAPIRO

CASE NO.: SC01-2419

NOTICE OF UNAVAILABILITY

Undersigned counsel of record for JUDGE SHELDON SCHAPIRO respectfully files this Notice of Unavailability and advises the Judicial Qualifications Commission and all interested parties as follows:

1. On April 5, 2002, the undersigned had open heart surgery for an arterial bypass. The undersigned has been out of his office (except for part-time recently) since the week before the surgery;

2. That counsel's cardiovascular surgeon has advised that it would be medically best if the undersigned not participate in any trials or protracted proceedings until on, or about, mid-July, 2002;

3. That counsel would, therefore, be available to try this Judicial Qualifications Commission matter on any date after July 15, 2002 (with one exception);

4. Additionally, counsel's oldest child is scheduled to begin college on August 23, 2002, at the College of William & Mary in Williamsburg, Virginia. Counsel has made arrangements

to assist in this "settling in" experience together with other parents of incoming students. Counsel has made plans to be in Williamsburg to assist in her orientation procedure which includes informational meetings by the school with parents of incoming students during this week.

Due to the circumstances described above, the undersigned would request that any Trial in the above-captioned case not be scheduled during these dates.

I HEREBY CERTIFY that the original Notice hereof has been furnished to the Clerk of Court, Supreme Court of Florida, 500 S. Duval Street, Tallahassee, FL 32399-1927; and, that true and correct copies have been furnished to the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; Brooke S. Kennerly, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; Lansing C. Scriven, Esq., 442 West Kennedy Boulevard, Suite 280, Tampa, Florida, 33606; Thomas C. MacDonald, Jr., Esq., General Counsel, 100 N. Tampa Street, Suite 2100, Tampa, FL 33602; Honorable James R. Jorgenson, Third District Court of Appeal, 2001 S.W. 117th Avenue, Miami, FL 33175-1716; John R. Beranek, Esq., Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun Street, P.O. Box 391,

Tallahassee, FL 32301 and to Michael K. Green, Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., 2700 Bank of America Plaza, 101 East Kennedy Boulevard, Post Office Box 1102, Tampa, FL 33601-1102 on this 21st day of May, 2002.

Respectfully submitted,

BOGENSCHUTZ & DUTKO, P.A.
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500
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By: _____
J. DAVID BOGENSCHUTZ
Florida Bar No. 131174