

# The **BROWARD BARRISTER**

**AUGUST, 1974**

**Volume 3**

**Number 8**

— PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION —  
Executive Offices, 735 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

## **BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING WEDNESDAY, SEPTEMBER 4, 1974**

**6:30 P.M. — CASH BAR  
DINNER: 7:00 P.M. — \$9.50**

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## **YOUNG LAWYERS' SECTION MEETING**

**August 29, 1974**

**12:00 Noon**

**THE GOVERNORS' CLUB HOTEL  
236 S.E. First Avenue  
Ft. Lauderdale, Florida**

**LUNCH: \$3.50**

Program: Ken Jenne, Executive Director of the  
Broward County Charter Division. He will speak  
on the upcoming Charter Government Contro-  
versy.

Please send Reservations to Mr. Ed Sciarretta:  
3081 E. Commercial Boulevard  
Fort Lauderdale, Florida 33308

## **NO GENERAL MEETING IN AUGUST**

### **ACADEMY OF FLORIDA TRIAL LAWYERS CONVENTION**

Doral Golf and Country Club  
Miami, Florida  
November 15-16, 1974

### **REPORT OF BOARD OF GOVERNORS MEETING**

**CREDIT CARDS.** Doris Dudney re-  
ported that the Ethics Committee has  
ruled that use of credit cards to finance  
legal fees is unethical for lawyers under  
the Integration Rule as written.

In an effort to help the client of mod-  
erate means finance legal fees, the Spe-  
cial Study Committee on Bank Credit  
Cards has made suggested changes to  
the Integration Rule. The Committee  
was assisted by Norman Faulkner, Staff  
Counsel, who researched applicable  
cases.

Ms. Dudney suggested that while some  
lawyers may be tempted to pass the

credit card discount charge on to the  
client as additional fee, most lawyers  
will charge a reasonable fee and absorb  
the charge as a cost of doing business.  
Absorbing the discount charge under the  
proposed rule change would not violate  
the prohibition against sharing fees with  
a non-lawyer.

Board member Sam Smith, former  
Chairman of the Economics of Law  
Committee, said the proposed amend-  
ment to the Integration Rule would then  
allow the Board to approve proposed  
Bank Credit Card plans, which individ-  
ual practitioners and firms could then  
enter into with the Bank Credit Card  
companies.

Mr. Smith expressed the opinion that  
card use would be a benefit to clients  
with limited cash reserves. He also felt  
it would be a benefit to the lawyer who,  
for a charge of 4% (for example),  
could avoid carrying a receivable and  
having to collect it over a perhaps ex-  
tended period of time.

One suggestion of the Credit Card  
Study Committee is that there should  
be a clear agreement with the Credit  
Card companies that they shall not pub-  
lish a list of lawyers who use the ser-  
vice.

Board member Harris Dittmar op-  
posed law office use of credit cards,  
stating that the client with a Bank Cred-  
it Card could borrow legal expense mon-  
ey from a bank by using the credit card.

A marked majority of the Board, in-  
cluding your two representatives, voted  
to ask the Court to approve the pro-  
posed changes to the Integration Rule  
to make use of credit card plans pos-  
sible.

**SPECIALIZATION.** Julian Benjamin  
appeared in opposition "not to speciali-  
zation, but to certification of so-called  
specialists." Mr. Benjamin feels that the  
organized Bar has recognized de-facto  
specialization for a long time, but he  
feels specialization certification will not  
work. He doubts that the lay public has

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enough information to select the specialist needed for a particular problem.

Mr. Benjamin feels that it is illogical to require him to take courses totalling ten hours a year to maintain specialization status in real property law when he spends ten hours a week teaching it in a law school.

Rex Farrior responded that Florida did not need, or want, a certification plan. He said the Florida plan is not a certification plan but a plan to recognize the de-facto specialization that we have now.

After considerable discussion the mat-

ter was postponed until the September meeting for further debate and action. *Please send Don Norman or me a short letter stating your position and the reasons for it.*

**LEGISLATION REPORT.** The Board's authorization to retain lobbyists was instrumental in getting passed most of those bills the Bar sponsored and in getting killed those bills the Bar opposed. Examples:

- (1) Judicial pay rises.
- (2) Misdemeanor to hold oneself out as a lawyer when not a lawyer.
- (3) Allow group insurance people to ask health questions to set the stage for using premiums to fund the Florida Bar Foundation.
- (4) The Florida Probate Code as opposed to the Uniform Probate Code.
- (5) Strengthening of the Judicial Qualification Commission procedure.

The Bar failed on merit selection and retention of Judges.

Lawyers generally feel strongly about legislative matters. Lawyers are — and must be — concerned with legislation

affecting not just the legal profession, but also the administration of justice and the public good. If we lawyers recognize and accept this responsibility, we must communicate our feelings to our legislators with advice intended to enable them to make well-informed decisions.

**PREPAID LEGAL SERVICES.** The Dade County Classroom Teachers' Association closed panel prepaid legal services plan proposed by Tobias Simon and approved by the Board on a one-year pilot basis was turned down by the CTA, apparently for the reason that \$35.00 per teacher per year was considered too expensive.

Mr. Simon will be asked to appear at the September Board meeting and make the first quarterly report required by the conditions under which the Board gave its approval. At that time the Board will consider whether its approval should be revoked.

An open panel plan for the students at F.S.U. has come close to reality, but the students have not yet approved it.

Dick Adams expressed the "strong feeling" of the Young Lawyers' Section against closed panels.

For purposes of the ABA Convention, the Board instructed Robert Floyd, Board member and ABA delegate, that the general sense of The Florida Bar is to favor open panel prepaid legal service plans and to oppose closed panels.

— John S. Neely, Jr.

ooOoo

### ADDITIONS TO FLORIDA STATUTES

By Henry J. Prominski

Volume 1 of Florida Session Law contains several additions to the Florida Statutes of interest to the lawyer.

Florida Statute 196 relating to Homestead Exemption was expanded to provide persons over 65 the additional \$5,000.00 exemption to all governmental millage.

Chapter 74-12 restricts mobile home parks from charging entrance fees, prohibits splitting of certain fees between the mobile park operators and dealers.

Chapter 74-25 requires law enforcement officers to check apparent intoxicated persons for medical disability.

Florida Statute 710.02 gifts to minors; changing the adult age to 18.

Chapter 74-67 added section 790.19 to the Florida Statute to prohibit throw-

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ing missiles within or in any public or private building or train.

The condominium disclosure law, Florida Statute 711.24 was also expanded to provide a cause of action against any seller providing false or misleading information.

Collective bargaining was finally implemented in Chapter 74-100. This is a comprehensive bill with manifold impact in labor law.

Chapter 74-104 was also a comprehensive re-write to the condominium and cooperative apartment regulatory statute F.S. 711.

A much needed noise control bill for motor vehicles was also adopted. Florida Statutes 403.414 and 316.293 were added, defining and setting out vehicle noise limits.

Another Chapter of Florida Statute F.S. 794 was also completely re-constituted. Involuntary sexual battery is now more clearly defined in degrees.

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### CORRECTIONS REFORM PROGRAMS

The American Bar Association Commission on Correctional Facilities and Services announced on July 30 receipt of a \$1 million grant from the Edna McConnell Clark Foundation of New York City for distribution to state and local bar associations to study, and effect improvements in, corrections systems. Called BASICS — Bar Association Support to Improve Correctional Services — the program marks the first time the ABA will award sub-grants to state and local bar groups. The first of the sub-grants, \$40,000 each to the Maryland State Bar, the Washington State Bar Association, and the San Francisco Bar Association, were announced at the same time.

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## ADMINISTRATIVE ORDER NO. F-39

Seventeenth Judicial Circuit, In and For Broward County, Florida.

IN RE:  
NON-COURTHOUSE HEARINGS :

Rule 29 of the Local Rules of Practice for the Seventeenth Judicial Circuit shall be implemented commencing July 12, 1974, and continuing until further notice, in accordance with the provisions of the Rule and the Schedule of assigned judges.

The assigned judges for the Pompano area shall be available commencing at 2:00 p.m., at the present Small Claims Courtroom, 1661 E. Atlantic Boulevard, Pompano Beach, Florida, and the assigned judges for the Hollywood area shall be available commencing at 2:00 p.m., at the Municipal Courtroom on the 2nd floor of the Hollywood Police Department, 2600 Hollywood Boulevard, Hollywood, Florida.

The assigned judges shall handle all uncontested civil and ex parte matters, regardless of the Division to which such matter was assigned at time of filing, but the secretary of the assigned judge disposing of these matters shall promptly notify the secretary of the Division to which the case was assigned at the time of filing the ultimate disposition of the matter.

DONE and ORDERED at Fort Lauderdale, Broward County, Florida, this 10th day of June, 1974.

JOHN G. FERRIS,  
Chief Judge

### RULE TWENTY-NINE NON-COURTHOUSE HEARINGS IN UNCONTESTED AND EX PARTE MATTERS

1. All uncontested civil matters and ex parte matters, including final hearings and trials, may, subject to the limitations hereinafter contained, be heard at any Branch Courthouse facility hereinafter established and designaed by Rule or Law.

2. Parties bringing uncontested matters on for hearing may notice them at any Branch Facility provided that the offices of all opposing counsel are within the geographical limits of the area to be served by that particular facility, or unless agreed to by all parties and the Court.

3. Notice requirements are the same as in all cases except that a party giving notice of hearing at any Branch Facility shall specify the location of the hearing with particularity by giving the location and address thereof.

4. The Chief Judge shall cause a judge to be assigned the duties set forth in (1) hereof which judge shall secure the files needed, according to the appointments made, from the clerk on the afternoon preceding his assignment, and he shall likewise be responsible for their return to the clerk.

5. Appointments for uncontested and ex parte matters under this rule shall be made with the secretary of the judge assigned to duty for that particular day in order that the Court files will be present at the hearing.

6. The Clerk of the Circuit Court shall, on or before the 20th day of each month, prepare and post in his office a schedule for the two following months showing which judge will be in attendance at the respective branch facilities; and on each Wednesday he shall likewise cause the schedule to be published weekly in the Broward Review.

7. The geographical limits of the area to be served by the Pompano Beach facility is that bounded on the North by the Broward-Palm Beach County line and on the South by Commercial Boulevard.

8. The geographical limits of the area to be served by the Hollywood facility shall be bounded on the North by Sheridan Street and on the South by the Dade-Broward line.

9. The requirement that all final hearings or trials be set only upon Order of the Court remains in effect.

### SCHEDULE OF NON-COURTHOUSE HEARINGS — CIRCUIT COURT

Date	Pompano	Hollywood
Aug. 6	Judge Tedder	Judge Seay
Aug. 13	Judge Johnson	Judge Ferris
Aug. 20	Judge Richardson	Judge LaMotte
Aug. 27	Judge Warren	Judge Farrington
Sept. 3	Judge Moe	Judge Weissing
Sept. 10	Judge Gonzalez	Judge Minnet
Sept. 17	Judge Moe	Judge Franza
Sept. 24	Judge Richardson	Judge LaMotte
Oct. 1	Judge Minnet	Judge Seay
Oct. 8	Judge Hare	Judge Ferris
Oct. 15	Circuit Judges' Conference	
Oct. 29	Judge Warren	Judge Fischer
Oct. 22	Judge Johnson	Judge Farrington

*Farrington*  
*Fischer*

## ADMINISTRATIVE ORDER NO. F-47

Seventeenth Judicial Circuit, In and  
For Broward County, Florida.

IN RE: :  
ASSIGNMENT OF JUDGES. :  
\_\_\_\_\_ :

In accordance with Rule 1.020, Florida Rules of Civil Procedure, the following changes in the assignment of judges shall be effective until further notice:

1. Effective September 16, 1974 Circuit Judge George W. Tedder, Jr. shall be assigned to the Criminal Division and shall assume responsibility for final disposition of all matters then pending in Division Tyson.

2. Effective September 16, 1974, Circuit Judge Robert W. Tyson, Jr. shall be assigned to the Civil Division and shall assume responsibility for final disposition of all matters then pending in Division Tedder.

3. Effective September 16, 1974, Circuit Judge James A. McCauley shall be assigned to the Civil Division and shall assume responsibility for final disposition of all matters then pending in Division Weissing.

4. Effective September 16, 1974, Circuit Judge Louis Weissing shall be assigned to the Criminal Division and shall assume responsibility for final disposition of all matters then pending in Division McCauley.

5. Judge Tedder shall act as alternate to Judge Reasbeck. Judge Tyson shall act as alternate to Judges Farrington and Weissing. Judge McCauley shall act as alternate to Judges Farrington and Tedder. Judge Weissing shall act as alternate to Judges Futch and Reddick.  
**DONE and ORDERED** at Fort Lauderdale, Broward County, Florida, this 10th day of July, 1974.

JOHN G. FERRIS,  
*Chief Judge*

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## COMMITTEE ASSIGNMENTS

A list of Committee Assignments for the ensuing year has been enclosed with the Barrister. If you have any special interest in any of the committees and are not included on the list, please call the Bar Association office 764-8040 and leave your request to be added to the committee.

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## REPORT OF THE COMMITTEE ON PROGRAMS

The Committee on Programs has been busy planning interesting and informative programs for the Bar Association for the coming year. The following programs are planned:

Sept. 18, 1974 — Marshall Criser —  
Speaker

Oct. 16, 1974 — Lawrence Hyde, Member of Faculty, Nova Law School

Nov. 13, 1974 — Program honoring 35 year members



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Dec. 18, 1974 — Soia Mentschikoff,  
Dean of University of Miami Law  
School

Plans are being made for programs to be held on Specialization, Legal Ethics, Office Economics, Real Estate, and Financing of Legal Services.

It is hoped that these programs will have real value to you.

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## COMMITTEE ON ECONOMICS

Recently, two questionnaires were mailed to members of the Broward County Bar Association: to each individual and one to only one member of a firm or law office. Please complete these questionnaires and return to the Committee on Economics, Broward County Bar Association, 735 N.E. Third Avenue, Fort Lauderdale, Fla. 33304. Your cooperation in this matter is needed and will be appreciated. The information will be made available to you as soon as the information is compiled and analyzed.

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