

# The **BROWARD** **BARRISTER**

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Executive Offices, 735 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

## General Meeting . Wednesday, February 20th

12:00 NOON

### THE RED COACH GRILL

1200 N. Federal Highway Fort Lauderdale, Florida

Lunch: \$4.00

#### PROGRAM: SPECIALIZATION by J. REX FARRIOR, JR.

Candidate for President-Elect, The Florida Bar

Mr. Fariior will present an overview of the plans for specialization in existence at the present time. He will also review the Florida Plan that is pending before the Board of Governors of The Florida Bar.

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### Young Lawyers' Section Meeting

Thursday, February 28, 1974

12:00 Noon

Lunch: \$3.50

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Please send reservations with check to:

Mr. Drake M. Batchelder  
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### Social Security Law

A new course entitled "Social Security Law" will be given at the Central Campus of Broward Community College on Tuesday Evenings, 7:00 to 10:00 PM, commencing March 5, 1974. The course will be open only to professional people, such as attorneys, accountants, real estate and insurance agents and brokers, members of the medical and nursing professions and other related fields.

The course will consist of an in-depth approach to the many facets of the Social Security Act, and will deal with such subjects as: types of benefits, requirements for entitlement, military credits, Railroad employment, covered

and uncovered employment, self-employment, corporations and partnerships, retirement tests, work deductions and penalties, proofs, Representative Payee, Medicare, Supplemental Security Income Appellate process and related topics.

For additional information, please contact Broward Community College.

### "LOST"

Judge Stewart F. LaMotte, Jr., has lost Volume No. 7 of Florida Jurisprudence from his office. If someone has inadvertently taken this volume, it would be greatly appreciated if it were returned.

### Second Annual Meeting Young Lawyers' Section The Florida Bar

March 8-9, 1974

Host Airport Hotel  
Tampa International Airport

Friday, March 8, will be highlighted by one of the Bar's most successful programs, the General Practice Seminar, which was last presented to over 600 attorneys in Orlando, Florida, featuring speakers and panel discussions on varied subjects ranging from "No Fault Insurance" to "Considerations in Whether to

Incorporate A New Business Venture."

The Friday night dinner will feature guest speaker, Senator Howard Baker, providing his inside viewpoint of the Watergate incident.

Saturday will feature panel discussions on key issues of today, all of which are included in the registration fee. The fee is \$25.00.

Room reservations at the Host Airport Hotel, Tampa International Airport, P.O. Box 24107, Tampa, Florida 33622, (\$21.00 Single; \$25.00 Double), should be made as soon as possible contacting the Host Airport Hotel directly. Ms. Mindy Byars, The Florida Bar, Tallahassee, Florida 32304, should be contacted for the convention registration.

### Lawyer Referral Service

The Lawyer Referral Service is needed because many people fear and distrust lawyers and/or are afraid that the fees will be excessive. Others are unable to recognize legal problems when they are encountered. Many do not know a lawyer and have no idea how to choose one. Lawyer referral arrests these fears by guaranteeing an initial consultation fee, helping people recognize their legal problems and selecting a competent lawyer.

Applications for the Lawyer Referral Service of Broward County Bar Associa-

Broward County Bar Association  
735 N.E. Third Avenue  
Fort Lauderdale, Florida 33304  
764-8040

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tion were mailed to each member in January. If you are interested in being a part of this service, please return your application with the registration fee of \$35 immediately. If you do not have an application, please call the Referral Service at 764-8310. Your help is needed.

### The Innocent Victims Of Crime

By JUDGE GERALD MAGER

We live in a society which is compensation conscious. If a workman is injured society feels obligated to pro-

vide compensation; if a person loses his job society feels obligated to compensate him; when you reach a certain age society provides compensation. The list goes on endlessly. But there is one glaring omission. Despite the availability of compensation covering a myriad of situations, a multitude of people, and a melange of circumstances, there is one category of persons for whom compensation has been woefully neglected — the innocent victims of crime — the forgotten American.

The risk of being the victim of a serious crime in Florida is at least 40 per 1,000 inhabitants, but what recourse will you have when *you* are the victim? Will it be any comfort to you that the perpetrator of the crime has been apprehended and convicted, especially if you have been physically injured? Suppose the crime results in the most serious tragedy of all — death — will your family be able to survive financially.

In 1965 a 28-year-old computer programmer in New York was riding the subway with his wife and 15-month-old infant. He tried to help two women who were being bothered by a disorderly passenger. In the process he was

stabbed to death in front of his wife. After his death the wife had to go to work and had to send her child to her family in Europe.

The plight of this unfortunate young lady focused public attention on the need to provide compensation for the victims of crime. So in 1966 New York passed a law providing compensation for victims of crime for their *loss of income* and unreimbursed medical expenses.

Since that time California, Hawaii, Maryland, Massachusetts, Nevada and New Jersey have passed similar laws. New Zealand was the first country to adopt such a law in 1963 and it has since been joined by England, Saskatchewan and New Foundland.

The operation of the Maryland plan is illustrated by the recent case of an 11-year-old girl who was stabbed in her spine with a bayonet. She is now crippled for life. Under the Maryland victim compensation plan, the young girl was awarded the state's maximum of \$45,000.00. It will not restore the ability to walk, but it will help her get the care, training and education she needs.

Victims of crime have too long been treated as second-class citizens. Even in ancient times under the Mosaic Law and the Code of Hammurabi there were

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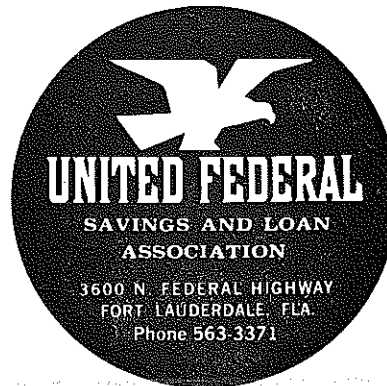
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provisions for public reparations for individuals who suffered criminal loss. These reparations were paid *only* if the criminal was *not* caught. Society seems to be moving backward. Now in most states even if it *doesn't* catch the criminal society doesn't compensate the victim either.

In this day and age when we are socially preoccupied with the rights and needs of the individual, we have ignored the victims of one of our most serious social problems, the victims of crime. The time as come to provide benefits not as a matter of charity, but as a matter of right.

A victim compensation plan in Florida is both necessary and workable. The fact of its operation in several states and countries speaks for its feasibility. Beside the material benefit from an award of compensation, there is a beneficial psychological effect on the community produced by the very fact that there is such a plan in existence.

A typical crime compensation plan would provide for the creation of a board or commission composed of three to five members. The operation of this commission would be similar to that of a workmen's compensation commission. All claims would be filed with and considered by this commission. The law establishing such a plan would set up the mechanics of the commission's operation, as well as defining those persons who would be eligible to file a claim, and fixing the maximum amount of compensation that could be awarded as a result of injury.

Another benefit to be derived from the plan is that the plan would encourage early reporting of crimes by victims and increase community cooperation with law enforcement agencies. Studies indicate that countless thousands of individuals are victims of crimes which often go unreported for one reason or another.

There is no question but that a plan

of this type would require money. Despite the original fears states such as New York, California and Maryland have not been overwhelmed with rising costs from their programs. In Maryland as well as California the plan is financed by fines imposed upon convicted criminals. Estimates based upon the New York and California programs indicate that the cost of such a plan in Florida would be less than 10 cents per person.

Florida for the past several years has toyed with the idea of a victim compensation plan. Bills have been introduced from time to time in the last few sessions but the bills have died much like the victim of the violent crime.

A system of justice for all means justice for the victim as well as the perpetrator. The price of living in society today is the risk of harm resulting from crime which society *itself* generates. It would seem only reasonable that society as a whole should bear the cost of compensation. Society has an obligation to maintain law and order — to protect the individual from criminal violence. When it fails to perform this obligation, it is not unreasonable to require society to compensate the victim for his loss.

I urge the active support for a course of action that would bring about a workable plan of compensation for innocent victims of crime. I recommend that all citizens contact their legislators to enact such a plan.

Senator Mike Mansfield recently said:

" . . . In the last 100 years the criminal and the state have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and such protection failing, that citizens at least are entitled to be compensated for the losses they suffer from violent criminal action can only serve to

strengthen the social fibre of our nation."

Our rising crime rate and risk of injury demands not only preventative action but compensatory action as well. We need to do more than just sympathize — we need to compensate — and the time to act is now.

## Welcome, New Members

PAUL R. REGENSDORF a native of Wisconsin, received his undergraduate degree from Florida State University and his law degree from Vanderbilt University. He is associated with the firm of Fleming, O'Bryan & Fleming, in Fort Lauderdale, Florida.

ABRAHAM B. ROSENBERG a native of New York, received his undergraduate degree from City College of New York and his law degree from the University of Miami. He is associated with the firm of Grossbard & Rosenberg, in Davie, Florida.

ROBERT OWEN DALE ROSS a native of Ohio, received his undergraduate degree from Western Kentucky University and his law degree from Stetson University College of Law. He is associated with George Moxon, in Fort Lauderdale, Florida.

CHESTER J. SASADU, JR., a native of Pennsylvania, received his undergraduate and law degrees from the University of Florida. He is associated with the law firm of Berryhill, Avery, Schwenke, & Williams, Fort Lauderdale, Florida.

STEVEN G. SHUTTER a native of New York, received his undergraduate degree from Tufts and his law degree from New York University. He is associated with Leslie Howard Berger, in Pembroke Pines, Florida.

WILSON G. STAPLETON a native of Maine, received his undergraduate degree from Boston University, Western Reserve University, and his law degree from Cleveland Marshall of Cleveland State University. He practices alone in Pompano Beach, Florida.

MICHAEL M. WALLACK, a native of New Jersey, received his undergraduate degree from Boston University and his law degree from the University of Miami. He is associated with the firm of DiGiulian, Spellacy, Bernstein, Lyons & Sanders.

ROBERT ALLEN WHITE a native of New York, received his undergraduate degree from Washington & Jefferson College and his law degree from Syracuse University. He is associated

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with the firm of Allsworth, Doumar & Schuler, in Fort Lauderdale, Florida.

**ROBERT STANLEY ZACK**, a native of Michigan, received his undergraduate degree from Boston University and his law degree from Wayne State University. He practices alone in Fort Lauderdale, Florida.

**JOSEPH ZALLEN**, a native of Massachusetts, received his undergraduate degree from Harvard and his law degree from Northeastern University. He practices alone in Fort Lauderdale, Florida.

## Board of Governors Meeting

At the meeting of the Board of Governors on January 10, 1974, the Specialization Committee headed by Rex Farris of Tampa reported to the Board with its recommendations about a program for specialization for Florida lawyers. The Committee recommended that lawyers be allowed to inform the public and other lawyers of approved areas of the law in which he practices by means of his stationery, business cards, office door, telephone directory, law lists, building directory, city directory, and such other means as the Board of Governors shall approve from time to time.

Before making such representation about specialization or limitation of practice, it is recommended that the lawyer must file an application with The Florida Bar stating that he is a member of the Bar, that he has been engaged in the practice of law for at least three years, that within the three years preceding his application he has had substantial experience within the area or areas of legal practice designated in his application, and that he will continue his education in the specialized area or areas through reading and research, the continuing education programs, or by some other method approved by the Bar.

It is recommended that eligibility for

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specialization shall continue in effect for a period of three years and that six months prior to the expiration of certification, the Bar shall notify the lawyer that his approval must be renewed. The approval application should contain the data required for an original application plus a detailed schedule of the education received by the applicant in the specialized area or areas of his specialty according to the Committee's recommendation. To obtain renewal, the lawyer must demonstrate to the Bar's satisfaction that during the three year period he has devoted at least thirty hours of time to furthering his education in each area in which specialization renewal is sought.

No firm of two or more lawyers may inform the public that the firm practices in the area of the law as a firm unless each lawyer in the firm has received evidence of approval in such area; but the individual lawyers in the firm may indicate that they specialize. The Committee recommended that permissible areas of legal specialization should be defined as the generally accepted areas of legal practice including general practice. The Committee also recommended that a notice such as the following be included in telephone directory yellow pages:

### NOTICE

*For the  
General Information of the Public*

Attorneys who have practiced for three (3) years or more and who, during the immediately preceding three (3) years have had substantial experience in a given area of the legal practice are permitted, if they so desire, to inform the public of not more than three (3) areas of the law in which they practice.

\*Such listing DOES NOT MEAN

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that such attorney has been certified as an "expert" in such field of law.

\*Neither does it mean that such attorney is necessarily any more expert or competent than any other attorney.

**ALL POTENTIAL CLIENTS ARE URGED TO MAKE THEIR OWN INDEPENDENT INVESTIGATION AND EVALUATION OF ANY ATTORNEY BEING CONSIDERED.**

This notice published by The Florida Bar, Tel. A. C. 904/222-5286, Tallahassee, Florida 32304.

*John S. Neely, Jr.*

## The Hollywood Beach Case

*By Henry J. Prominski*

The Hollywood Beach Case (*City of Hollywood vs. William G. Zinkil, Sr. Fla. App. 283 So. 2d 581*), although far from a final decision on whether or not the City owns two blocks of Ocean Front Beach, took one step towards conclusion, when the Fourth District Court of Appeal reversed the trial court

The Reversal was on the technical ground that the trial court erred in refusing to admit documentary evidence consisting of pamphlets, magazines, advertisements, various brochures and city annual report and testimony concerning intent of the original developer to dedicate the beach to the public.

The case for those not familiar with this litigation involves conflicting claims of ownership of two blocks of unimproved ocean front beach at the North end of Hollywood.

The City of Hollywood claims title to the property by dedication and prescription. Hollywood, Inc., claims title through a sheriff's deed. The Court held that the act of dedication need not be by a formal act, but may result from conduct of the owners or permissive conduct of the dedicator. The City attempted to establish that the original owner intended for this land to be dedicated for public use notwithstanding the absence of formal dedication and acceptance. The trial court rejected evidence of this intention and it was on this point that the Appellate Court reversed concluding that the trial court erred in not admitting this evidence on common law dedication.

There are a multitude of other issues in this interesting litigation which began in 1964 and it appears that the case will be around for some time to come.