

The BROWARD BARRISTER

JULY, 1976

Volume 5

Number 7

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices, 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, JULY 15, 1976 - 12:00 NOON

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THE GOVERNORS' CLUB
236 S. E. First Avenue - Fort Lauderdale, Florida

PROGRAM: "The Adversary System Under Fire"
by
Arthur Ward Wagner, Jr.
President of the Association
of Trial Lawyers of America

PLEASE CALL 764-8040 FOR RESERVATIONS. (Reservations required)

BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING WEDNESDAY, AUGUST 4, 1976

5:00 p.m. Case Evaluation Committee
6:00 p.m. Workshop: Problem Solving
Clinic.
(Bring your own cases and
questions)
6:30 p.m. Cash Bar
7:00 p.m. Dinner - \$10.00

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Speaker: GARY ESLER, ESQUIRE
Topic - "The ABC's of Appellate
Practice"

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BROWARD COUNTY TRIAL LAWYERS
ASSOCIATION

YOUNG LAWYERS SECTION MEETING

JULY 22, 1976

- 12:00 Noon -

RED COACH GRILL
1200 N. Federal Highway
Fort Lauderdale, Florida

Lunch: \$3:50

Program: To Be Announced

Reservations: William Quisenberry
Suite 1500, One Financial Plaza
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OPERATION: UPDATE/TRANSITION

Sponsors: BCBA, BCTLA and Nova
Law School

July 21, 1976 - 4:30 P.M.

Ethics in Trial Practice--Donald Lunny

Trial of Class Actions - Gary Esler

Room 250, Broward County
Courthouse

August 18, 1976 - To Be Announced

(\$1.00 printing donation requested)

NEEDED: Proctors for the July 1976 Florida Bar Exam

The July 1976 Florida Bar Examination scheduled to be held in the Miami Beach Convention Center, South Hall, on July 27-28, 1976, threatens to be the largest ever held in this state. There are well over 1700 applicants currently in line for that examination, and it is estimated that roughly 1400-1500 will actually attend.

Because of the massive size of the examination and the numbers of proctors needed to properly supervise the administration, the Board of Bar Examiners solicits your assistance. A minimum of thirty proctors will be needed if 1500 examinees appear. There will be a need for the thirty proctors at all times at the examination. If you can spare a half day (morning or afternoon)

or a whole day, it will be helpful.

If you can find the time to help, please call John H. Moore, Assistant Executive Director, Florida Board of Bar Examiners at 904-487-1292 (Tallahassee) or call 764-8040, Broward County Bar Association for addition information.

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

OFFICERS

Ray Ferrero, Jr. _____ *President*
 A. J. Thomas, Jr. _____ *President-Elect*
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Broward County Legal Secretaries Association

The Broward County Legal Secretaries Association invites all legal secretaries in Broward County to join its organization. For additional information, please write to:

Jeannie Harris
 934 N. Victoria Park Road
 Fort Lauderdale, Florida

or call 463-3301

TRIBUTE TO A PRESIDENT

I personally observed president-elect Ray Ferrero in Tallahassee during the past legislative session. I am certain most members of the Broward County Bar Association and lawyers throughout the country are aware of Ray's extraordinary capabilities as a trial lawyer. However, I wonder how many people know of the tremendous amount of time and effort which he has spent on behalf of the people of the State of Florida and the members of the Bar. The revision of the law which had been proposed by the insurance industry and other special interest groups during this past legislative session, threatened to close the courthouse doors to 95% of all accident victims. I genuinely believe that if it was not for Ray Ferrero, these special interest groups would have been successful.

I saw Ray work from 8:00 in the morning until 11:30 at night. It was not only a matter of being extraordinarily bright and making academic contributions, as for example, his participation in re-writing the legislation; but also his ability as a leader and an advocate who was able to reason with people who at the outset had taken a seemingly unreconcilable attitude and position.

I believe we owe Ray Ferrero a great amount of appreciation for his tireless efforts in assuring that the people of the State of Florida have continued access to the courts.

Charles M. Prince
 President, Broward County
 Trial Lawyers Association

***BETTER ABSTRACTS**

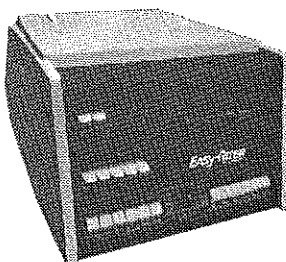
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**Thomas E. Baynes, Jr. of
Nova Law Center Selected
Judicial Fellow to
U. S. Supreme Court**

Thomas E. Baynes, Jr., associate professor of law and public administration at Nova University, has been selected as a Judicial Fellow to the United States Supreme Court for the 1976-77 year, Dean Laurance Hyde, Jr. has announced.

He is among the fourth group of three Judicial Fellows to be selected since the program began in 1971.

The Judicial Fellows Program, patterned after the White House and Congressional Fellows Programs, brings young professionals face to face with major administrative problems hindering Federal courts today. Working with top officials in judicial administration, Judicial Fellows can search for, and in some cases help implement, solutions for problems handicapping the administration of justice.

"The program is directed toward attracting talented young people who will not only make a contribution during their year as Judicial Fellows, but who will continue to make a contribution to judicial modernization in future years," Chief Justice Warren Burger has stated. "Some may do this through careers in judicial planning and management, while those who pursue careers outside the judiciary can help the general public to understand the nature and needs of the judicial system."

Selected with Baynes were Larry C. Farmer, Research Associate and Instructor at Brigham Young University School of Law; and Jeffrey B. Morris, Special Assistant to the Executive Vice President for Academic Affairs and Provost of Columbia University.

"This appointment is an honor and is well deserved. Professor Baynes is a fine teacher and a serious and dedicated legal scholar," says Dean Hyde. "His service as a Judicial Fellow will enhance the already strong background he brings to law teaching and to Nova. We look forward to his return after his leave of absence."

Baynes came to Nova from the post of Regional Director of the National Center for the State Courts located at Emory University Law School.

He received his undergraduate degree from the University of Georgia in Economics and three degrees in law from Emory and Yale universities.

He has been Assistant Dean of the School of Business at Georgia State University and also served on its Faculty of Urban Life. He has published monographs and articles on state court operations and other legal matters, and has a strong interest in civic activities, particularly courts and their administration.

While at Nova, in addition to his teaching duties, he initiated the Nova Law Forum and directed two seminars for the legal community.

COURT DECISIONS

by Henry J. Prominski

The First District Court of Appeal in State ex rel English vs. McCrary 328 So2nd 257 has come to an opposite conclusion from the Fourth District Court of Appeal in the matter of a judge's right to exclude newspaper reporters from a divorce hearing. In State ex rel Gore Newspaper Companies vs. Tyson 313 So2nd 777, the Fourth District ruled that prohibition would lie when Judge Tyson barred newspaper coverage of the Jackie Gleason divorce. The First District, in the instant case, held that prohibition would not lie since the Circuit Judge had jurisdiction and power to make a ruling excluding the press. The First District centered its opinion on the function of the extraordinary writ of prohibition which is limited to restrain an excessive jurisdiction as well as to prohibit an exercise of judicial power where none exist. The First District, picking up on the dissent of Judge Walden in the Jackie Gleason case, that prohibition will not lie to test the correctness of a trial court's ruling unless the ruling was abuse of discretion. The First District Court went on to reason that a dissolution of marriage being a proceeding in equity, there is discretion in the trial judge to determine whether or not the press should be permitted to attend the hearing. The U.S. Constitution addresses the right of a public trial in criminal matters. This case sets up a direct conflict with the Fourth District Court of Appeals and one that should be resolved by the Supreme Court.

★ ★ ★ ★ 1776 — 1976 ★ ★ ★ ★

Help, Help, Help!!!

There is a desperate need for articles for the Barrister. All contributions will be most welcome . . . ideas, articles, suggestions, etc.

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"JURY CONFUSION"

A recent article in the May 1976 issue of "Judicature" deals with a survey of Florida Jurors. It is entitled "Jury Confusion: A Threat to Justice" and a co-author is Judge David Strawn of the Eighteenth Judicial Circuit of Florida.

Several months back the Publications Committee and the Judicial Liaison Committee discussed with Judge Strawn the advisability of preparing hand out booklets to jurors of the system and their obligations. The results of this survey and the information in the article are most revealing. One of the conclusions is that fifty percent of the Florida Jurors thought that it was up to the defendant to prove his innocence. I urge that all attorneys take the time to read this article and the survey on jury instructions and the service of jurors.



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WELCOME, NEW MEMBERS

SIDNEY T. BERNSTEIN, a native of Miami, Florida, received his undergraduate degree from the University of Miami and his law degree from George Washington University. He is associated with DiGiulian, Spellacy, Bernstein, Lyons and Sanders, P.A. in Fort Lauderdale.

JOHN DICHIARA, a native of Bangor, Maine, received his undergraduate and law degree from Florida State University. He is associated with DiGiulian, Spellacy, Bernstein, Lyons and Sanders, P.A. in Ft. Lauderdale.

THOMAS A. GOODRICH, a native of New York, N.Y., received his undergraduate degree from Indiana University and his law degree from the University of Connecticut School of Law. He is associated with Goodrich and Goodrich in Fort Lauderdale.

DONALD GORENBERG, a native of Jersey City, N.J., received his undergraduate degree from the University of Florida and his law degree from the University of Virginia. He is associated with Byrd & Ferrell, P.A. in Fort Lauderdale.

DONALD RAYMOND HALL, a native of St. Louis, Mo., received his undergraduate degree from Florida Southern College and his law degree from Stetson University College of Law. He is associated with the City Attorney's Office, City of Fort Lauderdale.

WILLIAM W. HERRING, a native of Miami, Florida, received his undergraduate and law degree from the University of Florida. He is associated with the Public Defender's Office in Fort Lauderdale.

THOMAS W. JOHNSTON, a native of Torrence, Calif., received his undergraduate degree from Florida Atlantic University and his law degree from Cumberland School of Law, Sanford University. He is associated with Fischer, Moran & Johnston, P.A. in Pompano Beach, Florida.

BRUCE J. KIRSCH, a native of Brooklyn, N.Y., received his undergraduate degree from Queens College and his law degree from Brooklyn Law School.

JOEL LAVENDER, a native of Brooklyn, N.Y., received his undergraduate degree from New York Institute of Technology and his law degree from New York University. He is associated with DiGiulian, Spellacy, Bernstein, Lyons & Sanders, P.A. in Fort Lauderdale.

ALLAN MEYER, a native of New Brunswick, N.J., received his undergraduate degree from Syracuse University and his law degree from George Washington University. He is associated with DiGiulian, Spellacy, Bernstein, Lyons & Sanders, P.A. in Fort Lauderdale.

MARK POLEN, a native of Aurora, Illinois, received his undergraduate degree from the University of Wisconsin, and his law degree from the University of Miami. He is associated with DiGiulian, Spellacy, Bernstein, Lyons & Sanders in Fort Lauderdale.

MARVIN QUITTNER, a native of Newark, N.J., received his undergraduate degree from the University of Pennsylvania and his law degree from the University of Florida. He practices alone in Plantation, Florida.

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