

The BROWARD BARRISTER

DECEMBER, 1977

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

GENERAL MEETING, THURSDAY, DECEMBER 15, 1977

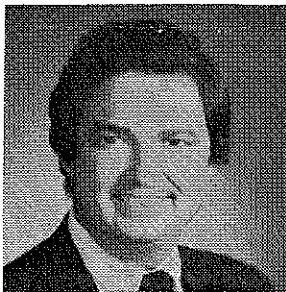
JOINT MEETING WITH YOUNG LAWYERS SECTION

Cocktails: 6:00 P.M.

Dinner: 7:15 P.M.

PIER 66 — Suite 66

— \$11.00 —



E. CLAY SHAW



BRUCE RANDALL

Mr. Shaw and Mr. Randall will discuss ADULT BOOKS STORES, ETC., the effects on the community, and the trial of cases arising from these activities.

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The officers and executive committee wish for you and your family a Very Happy Holiday Season!

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OPERATION:

UPDATE/TRANSITION

Sponsors: BCBA, BCTLA & Nova Law School

December 21, 1977

— 4:30 P.M. —

"Use of and Examination of Expert Witnesses"

Speakers: **John E. Donahoe (Defense)**
Charles Prince (Plaintiff)

Broward County Courthouse
Room 250

January 18, 1978

"Economics of Law Practice"

Speakers to be Announced

(\$1.00 printing donation requested)

Economics of Law Practice

Office economics interrelate to and are directly influenced by the following factors:

- Clientele;
- Availability and Access; and
- Office Accounting Procedures.

This Article shall deal with a brief, cursory and by no means exhaustive survey that attempts to draw parallels among and between the above factors.

CLIENTELE: The type of clientele, i.e. corporate, criminal, negligence, etc., predetermines, to a very large degree, billing and accounting procedures employed to generate income. Generally, a corporate client on an hourly basis will require a periodic billing that effectively categorizes and documents time expended. It is axiomatic that the larger

the client, the more billing becomes undated with minutia. On the other hand, as an attorney with a criminal practice **always** gets his fee in advance, there is no need for periodic billing. In all cases, however, time records should meticulously be kept to:

- Bill properly;
- Justify a fee; and
- Adjust fees in future cases involving same or similar matters where it would currently appear that the time expended vastly exceeds the fee charged.

AVAILABILITY: Again, the type of clientele dictates the availability of the attorney. Moreover, it is important to point out at this stage that free (not "free of charge") phone availability between client and attorney, although a serious

(Continued on Page 2)

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

OFFICERS

A. J. Thomas, Jr. _____ *President*
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Ronald P. Anselmo _____ *Secretary*
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Norma Howard _____ *Executive Secretary*

CONTINUING LEGAL EDUCATION

The Florida Bar has approved the **Grand Jury Seminar** sponsored by the Criminal Law Section of Broward County Bar Association and held May 27, 1977, for credit under the Florida Designation Plan. Credits are as follows:

Appellate Practice 5 hours
Criminal Law 5 hours
Registered General Practice .. 5 hours
Trial Practice 5 hours

The maximum total credit that one lawyer may obtain from this course is 5 hours.

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(Continued from Page 1)

time drain, builds a better attorney-client relationship, more referral business, and, nearest and dearest to our hearts, more billable time. As an ancillary but important spin-off of "accessability," the client builds a "personal" relationship with his attorney, without which malpractice suits are made of. A client is less apt to cause suit to be filed against his errant attorney where that attorney has maintained free and open lines of communication.

OFFICE ACCOUNTING: Bill monthly . . . Better yet, bill twice a month. Most attorneys, by and large the smaller firms or sole practitioners, bill whenever the need may arise — this necessarily results in lost fees, skips, etc. Regular periodic billing is absolutely necessary for **maintaining and continuing** in the practice of law. In my office, we have a hard and fast rule: as to the secretaries — be present on the last day of each month unless you have an excuse from your mortician; as to the lawyers — deliver your daily breakdowns to the managing partner the day before the last business day of the month.

There are various and sundry systems being commercially marketed that assist the attorney in keeping a time log. Short of a patented method, regular notations on a legal pad (reserved for time purposes) will suffice. The importance will dictate whether or not you eat this month.

OVERVIEW: In this area of specialization, take **only** important criminal clients who pay in full, in advance. Result: no necessity to keep accounting records,

time records, or to be accessible. I've always aspired to be a criminal attorney. Today I start — my first case in volves littering . . .

S. M. Casoria, III
Broward County Bar Association
Economics of Law Practice
Committee
October 24, 1977

★ ★ ★ ★ ★

**Highlights of Board of Governors Meeting
On November 10-12, 1977**

The Board of Governors took the following actions at their recent meeting in Daytona Beach:

1. Heard Justice Fred Karl of the Florida Supreme Court respond to input on the subject of revision of attorney discipline. Justice Karl indicated that deadline for receiving information from The Bar was December 2, 1977. The Committee will render its report on April 1, 1978. The threshold issue continues to be — Should The Florida Bar continue to control discipline of attorneys — or should, for example, there be a change to a "J.Q.C." for lawyers? Bar members are urged to present their constructive comments to Justice Karl not later than December 2, 1977.

2. The Board of Governors approved the "Grimes" Committee report which substantially recommends streamlining The Bar's disciplinary procedures by retaining control within the Board of Governors. The Executive Committee

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of The Broward County Bar Association considered the report and supported your board members, Bill Leonard and Don Norman, voting in favor of the report. A full draft of the report will be printed in The Florida Bar News. Highlights of the report are as follows:

- a. Retaining the Board of Governors as the governing body of the disciplinary procedure of The Florida Bar.
- b. Creating a discipline review committee with two laymen to review each case and make recommendations to the Board of Governors.
- c. Appointing appellate review committees in each circuit, composed of five lawyers and two laymen, to hear appeals by aggrieved complainants from NPC findings of grievance committees.
- d. Qualified immunity for grievance complainants as long as confidentiality is maintained.
- d. All cases requiring a trial be tried before a circuit judge in the circuit where probable cause is found or before a referee named by the chief judge from a panel approved by the Supreme Court.

- f. Waiver of confidentiality after findings of probable cause in cases of great public interest, clear evidence of major misconduct, violation of trust accounting rules or consistent recidivism in grievance discipline matters. The committee opposes a blanket waiver of confidentiality if defined as a probable cause.
- g. Funding — Increase the annual dues to adequately fund the disciplinary program as long as it is within the control of The Florida Bar and if trust accounts are permitted to bear interest, and funds used for disciplinary purposes, that this would be another source of funding for a disciplinary program.
- h. Expanded audit provisions for trust accounts with additional staff auditors employed by The Florida Bar.

3. Appointed Eugene Heinrich as a member of the Fourth District Court of Appeals Judicial Nominating Commission.

4. Heard a report from the Judicial Administration Committee recommending against The Broward County Bar's proposal that judges be appointed on a population basis as well as by certi-

fication of need by the Chief Justice of the Supreme Court.

5. Voted to recommend amending the integration rule to permit the president elect of the Young Lawyers Section who now sits as an alternate to the president on the Board of Governors to have a vote.

6. Heard a report regarding the Tax Sections certification plan. Postponed action on the Tax Section and Trial Section certification plans until the January meeting.

7. Voted to recommend including judges of industrial claims under Article V of the Constitution.

8. Approved a model judicial poll revision.

9. Approved several prepaid legal service plans but withheld approval on several others.

DONALD H. NORMAN


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Legal Assistant Courses

Probate for the Paralegal and Real Estate Title Closings will be offered by Broward Community College in the Term beginning in January. Informa-

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tion necessary to register for each course is as follows:

Seq. No. 3903, BA 217-801 REAL ESTATE TITLE CLOSINGS, Tues. 7 - 10 p.m.
Room 307—Ft. Laud. Center

Seq. No. 3883, BA 167-801 PROBATE PRACTICE, Wed. 7 - 10 p.m.
Room 306—Ft. Laud. Center

Both courses will be offered at the Fort Lauderdale Center, 225 E. Las Olas Blvd., Fort Lauderdale. The cost is \$42 each plus a \$10 application fee for those persons taking their first credit course at the college. Interested persons should register as soon as possible at any of the three college locations: 225 East Las Olas Blvd., Fort Lauderdale; Central Campus, 3501 S.W. Davie Road, Fort Lauderdale; and North Campus, 1000 Coconut Creek Blvd., Pompano Beach. The Probate class will begin January 4 and Real Estate Closings, January 10. Registration is limited to 25 per class and the classes will meet for approximately 15 weeks.

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PUBLIC RELATIONS COMMITTEE

The Broward County Bar Association has been actively fostering positive relationships within the community. Significant programs designed to increase understanding of the law and lawyers by both the public and the media are a reality.

Fee arbitration between client and attorney is now available through the BCBA Fee Arbitration Committee with Carl Schuster as chairman. Rules of procedure were recently published and distributed to the general membership.

BCBA and Radio Station WAVS sponsor "YOUR LEGAL FORUM" each Saturday morning at 9:05 a.m. The program is hosted by Gaylord A. Wood.

The program has been successfully informing the general public about aspects of the law and lawyers.

The Association also co-sponsors with the Fort Lauderdale News "PUBLIC FORUMS" for residents of Broward County. The programs are held monthly at Stranahan High School Auditorium. The programs are designed to spur the interest of attendees in their legal rights and responsibilities. The topics are presented at a level that will be informative and entertaining.

Meetings are held twice each year with representatives of the media and the bar association to promote better understanding and cooperation between the two professions.

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YOUNG LAWYERS SECTION

The Young Lawyers Section Board of Governors of The Florida Bar held a regularly scheduled meeting at Pier 66 on October 28-29, 1977.

Subjects discussed included the Karl Committee's grievance adjustment proposals. Any attorney — young or senior — who wishes to express an opinion through the Lawyers' Section on this matter should contact John Frost, President-Elect of the YLS at

P. O. Box 1068
Bartow, Florida 33830.

The final Karl Committee Report will be presented to the Supreme Court in April, 1978. Input should be given as soon as possible.

The YLS Board approved a Resolution to be forwarded to The Florida Bar Board of Governors essentially finding that attorneys who have complied with the existing designation program should be allowed to advertise that area of designation without specific reference to The Florida Bar's Certification of

specialty. Any attorney who has not complied with the requirements would be limited to advertising in a manner consistent with the Bates decision.

The YLS Board also agreed to move forward with a legislative program. Detailed information may be obtained from Bruce Weihe or Mike McNerney.

The next YLS convention will be held March 31-April 2, 1978 at the Omni Hotel in Miami. Individuals who have suggestions concerning the format of the seminar presentations or other suggestions to improve the convention should contact the local YLS Board representatives.

The next YLS Board meeting will be in Tampa on January 20-22, 1978.

James B. Davis
Bruce A. Weihe
Michael J. McNerney
Board of Governors Representatives, Seventeenth Circuit

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Judges Require Strict Compliance To Rules

The judges of the Seventeenth Judicial Circuit will require lawyers to comply with the three pre-requisites before hearing matters on motion calendars, viz:

1. Advance separate copies of motion papers and Notice of Hearing to the court.
2. Motion to contain a certification that an effort has been made to settle the matter which is the subject matter of the motion, and
3. Counsel will have prepared and have with them proposed order for their side of the motion.

The judges have agreed to this at the request of the Courts Committee and the Executive Committee of BCBA.

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BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

January 4, 1978

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