

# The BROWARD BARRISTER

JULY, 1977

Volume 6

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 21, 1977

**BAHIA MAR YACHTING CENTER**  
Bahia Mar, Fort Lauderdale, Florida

GUEST SPEAKER:

Professor Jon Sale, Formerly Special Prosecutor  
Watergate Special Prosecution Force

TOPIC:

### The Story Behind Watergate Saturday Night Massacre

The Executive Committee has voted to change the time of the regular monthly meetings to the evening of the third Thursday of the month. Every attempt is being made to provide interesting, innovative, stimulating and perhaps controversial speakers on varied topics for the coming year. Certain annual programs will be retained — the annual meetings honoring the legislative delegation and legal secretaries. However, the times may be changed.

The following programs will be held at Bahia Mar for

**July 21, 1977 — as noticed above**  
**August 18, 1977 — Talbot "Sandy" D'Alemberte**  
"Constitutional Revision"  
**September 15, 1977 — Robert Shevin and Gerald Richman**  
"Recreational Leases"

(All meetings will begin with cocktails at 6:30 p.m.)

Paul B. Anton, President-Elect, is chairman of the committee to plan programs, and his committee is planning meetings to hopefully please the general membership.

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### BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING WEDNESDAY, AUGUST 3, 1977

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

**THE SHERATON HOTEL**  
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Speaker: **Leonard Robbins**  
Topic: "Handling Your Own Expert  
Medical Witness"

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Wilton Strickland, Esq.  
707 S.E. Third Avenue  
P.O. Box 14604  
Fort Lauderdale, Florida 33302

PLEASE MAKE CHECK PAYABLE TO:  
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### YOUNG LAWYERS SECTION MEETING

Thursday, July 28, 1977

— 12:00 Noon —

**YESTERDAY'S**

3001 E. Oakland Park Blvd.  
Fort Lauderdale, Florida

Lunch — \$5.00

Program: "The Recent Legislative  
Session"  
by Rep. Tom Gustafson

Please Send Reservation with Check to:

William C. Davell, Esq.  
Post Office Box 14723  
Fort Lauderdale, Florida 33302  
Phone: 462-5500

### OPERATION: UPDATE/TRANSITION

Sponsors: BCBA, BCTLA and Nova  
Law School

July 20, 1977

— 4:30 p.m. —

"Legislative Update"

Speakers: Senator James A. Scott and  
Representative Tom Gustafson

Room 250, Broward County  
Courthouse

August 17, 1977

Program: "The Trauma of Contract  
Action including Damages and  
Remedies"

Speakers: To be announced

(\$1.00 printing donation requested)

Broward County Bar Association  
733 N.E. Third Avenue  
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**Reapportionment of the  
Board of Governors  
The Florida Bar**

The committee appointed by the Board of Governors of The Florida Bar to study reapportionment of the Board met in Tampa, Florida, in June and has prepared a recommendation to be presented to the Board at its meeting July 14, 1977, at Marco Island.

The recommended plan will provide for a member from each circuit with additional members to be added based on the following:

The total number of Florida Bar members in Florida divided by the number of circuits will give the numerical

base for each additional member from the circuit. This number will be computed annually to adjust for lawyer population changes. There will be a maximum number of 34 members on the Board plus the three ex-officio members (President, President-Elect and President of the Young Lawyers Section). This is an attempt to consider both factors of geography and population.

If this formula is adopted, it will result in one additional member for Broward, Dade and Leon Counties.

★ ★ ★ ★ ★

**The Florida Bar Foundation  
Elects Local Attorney**

Russell E. Carlisle was elected Vice President of The Florida Bar Foundation at the annual convention of The Florida Bar at Innsbrook, Florida. Mr. Carlisle is also Chairman of the Legal Aid Committee of The Florida Bar and serves on the Executive Committee of the Broward County Bar Association.

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**NORTH BROWARD INSTALLS  
NEW OFFICERS**

The North Broward Bar Association held its annual meeting May 21, 1977 and installed the following new officers and directors:

President ..... Peter A. Portley  
Vice President ..... Thomas Johnston  
Secretary ..... Barry Stone  
Treasurer ..... Barry Billington  
Directors:—Leo Bentz, A. Thomas Con-  
nick, John Hume, Corat Moran, Will-  
iam Solien, William Sullivan, Philip  
Warren, David Welch.

**Southeastern Law Placement  
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You are invited to participate in the Second Annual Recruiting Conference to be held October 7-9, 1977, in Birmingham, Alabama. The purpose of the Recruiting Conference is to provide Legal employers the opportunity to interview junior and senior law students from nine member law schools (Alabama, Cumberland, Emory, Georgia, Kentucky, Memphis State, South Carolina, Tennessee and William and Mary) at one convenient location and time. A full schedule of applicants who will meet your qualifications, involving minimal travel by you, will result from the Conference.

For further information contact:—

Mrs. Sylvia K. Hollowell  
Chairman, Southeastern Law  
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## ATTORNEY'S FEES

**Wall vs. Bruckner, Greene and Manas, P.A.** 344 So2nd 947 involves a dispute over attorney's fees. A trial court struck one of the Appellant's affirmative defenses which said that the fees were excessive and would shock the conscious of the court and the trial court should not proceed until the Bar determined whether there was a violation of the ethical standards in disciplinary proceedings.

On Certiorari to the Third District Court of Appeal, the lower court was affirmed in dismissing this as an affirmative defense stating that in a law action for money the court does not have the function to determine the ethical standards of the Plaintiff/attorney relationship and that disciplinary proceedings under the Bar for violation of the ethical standards are separate and apart from the legal right in a court of law to collect fees. The Appellant had a forum in which he could allege the departure from the standards of professional conduct and the trial court would have litigated the eight separate criteria, for determining whether a fee was clearly excessive. It is difficult to understand the allegations of an affirmative defense as stated by the Appellee to be in fact an affirmative defense and secondly what difference it made in this particular case and why it should be a matter of appeal. It would appear it should go to trial and if the fee was found to be excessive by the trier of facts, there would be a prima facie violation of the code of professional conduct.

Attorneys are the only profession that have such stringent restrictions placed against them by their own organization impeding the collection of justly earned fees. I think it is uncontradicted that attorneys are the backbone of the community, of the government structure and protectors of our very way of life. It is the attorney who serves as City Commission, the attorney who serves on the Zoning Board, the Board of Appeals, and numerous boards from Beautification through the betterment of our community, all generally without compensation. It is the attorney who heads the March of Dimes and the Community Fund and the Hospital Improvement, improvement for environmental and ecology and drainage districts and waterways, again generally without recognition or compensation. No other profession gives freely of its time to the indigent and those that need help. No profession has given so much to so many for such little reward.

Surely there are a few attorneys who work for the almighty dollar and are not fulfilling their oath of office as quasi public trustees to help the people. This minority of attorneys unfortunately is growing and partly due to the stringent handicaps put on the true attorney. He who wears a coat and tie, attends community meetings, is respected by his community, looks and acts like the distinguished person that he is. This image of professionalism and respect is eroding and perhaps instead of encouraging lawsuits against attorneys for providing needed services and for upholding the canons of legal ethics,

the professional conduct code should state that an attorney is obligated by this ethical consideration to sue a client unless reasonable fees are paid and paid immediately. By presenting the fee matter to the courts and not being hampered by the Code of Professional Conduct, it would readily be seen that attorneys are not overpaid and do provide services at reasonable costs and a host of services without compensation and perhaps the respect of the lawyer by the community will begin to increase.

It is reasoned that in the instant case the Appellant did not want to litigate the issue of fair fees before a jury of his peers, but wanted to attack the legal code of professional conduct. He wanted to attack this through the courts instead of through the Bar Association where it should be properly handled.

Henry J. Prominsky

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## WELCOME, NEW MEMBERS

JOHN M. BERNAZOLLI, a native of Cleveland, Ohio, received his undergraduate degree from St. Joseph's College and his law degree from Pettit College of Law, Ohio Northern University. He is associated with DeTardo & Longo, Hollywood.

BERNARD D. CANARICK, a native of Brooklyn, N.Y., received his undergraduate degree from The American University and his law degree from Hofstra University Law School. He is associated with Bernard Rothfeld Esq., Fort Lauderdale.

LAWRENCE M. FLASTER, a native of London, England, received his undergraduate degree from Ohio State University and his law degree from the University of Florida. He is associated with Kenneth P. Wurtenberger, Esq. Lauderdale, Fla.

KEITH J. KANOUSE, a native of Chicago, Ill., received his undergraduate degree from Bradley University and his law degree from Notre Dame. He is associated with Fleming, O'Bryan & Fleming, Fort Lauderdale.

JOHN J. KING, a native of Chicago Ill., received his undergraduate and

law degree from Loyola University. He is a judge of the County Court Broward County, Fla.

ROBERT R. MAKEMSON, a native of Fort Lauderdale, Fla., received his undergraduate degree from the University of Florida and his law degree from Stetson College of Law. He is associated with Murray and Bush, P. A., Fort Lauderdale.

KEVIN A. MALONE, a native of Utica N.Y., received his undergraduate and law degrees from the University of Florida. He is associated with Krupnick & Campbell, P.A., Fort Lauderdale.

STUART ALAN TARLOWE, a native of Newark, N.J., received his undergraduate degree from Bank Street College of Education and his law degree from Rutgers University. He is associated with Glass, Krathen, Rastatte, Stark & Tarlowe, P.A., in Fort Lauderdale.

DIXON THOMAS, a native of North Carolina, received his undergraduate degree from Columbia University, Rollins College and Northwestern University and his law degree from the University of Florida. He is associated with Walden & Walden, Dania, Fla.

H. DOHN WILLIAMS, JR. a native of Miami, Fla., received his undergraduate degree from Florida Atlantic University and his law degree from Florida State University. He is an Assistant State Attorney, Broward County, Florida.

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