

The BROWARD BARRISTER

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

JUNE, 1978

Volume 7

Number 6

NO GENERAL MEETING IN JUNE

The June meeting of the general membership will not be held because of the conflict with the annual meeting of The Florida Bar at the Diplomat Hotel, Hollywood, Florida. YOU ARE URGED TO ATTEND THIS MEETING.

Lists of the new officers, executive committee members, standing committee appointments, etc., are enclosed with the **Barrister**. Please retain this information.

☞ IF YOU HAVE NOT PAID YOUR DUES, PROMPT PAYMENT WILL BE GREATLY APPRECIATED ☜

Meeting July 20, 1978 — 6:30 P.M., Pier 66 — Speaker — Chief Justice Arthur England

YOUNG LAWYERS SECTION MEETING

Thursday, June 22, 1978

— 12:00 Noon —

BUBBA'S RESTAURANT
1624 E. Sunrise Boulevard
Fort Lauderdale, Florida

Speaker: —

Judge George W. Tedder, Jr.
Chief Judge, Seventeenth Judicial
Circuit

Topic: —

**"From the Chief Judge's View —
Hints for the Young Practitioner."**

Members: \$5.00

Non-Members \$6.00

Make reservations with James B. Davis,
Suite 500,
2601 E. Oakland Park Boulevard
Fort Lauderdale, Florida
565-0501

OPERATION: UPDATE/TRANSITION

Wednesday, June 21, 4:30 P.M.

Room 250,
Broward County Courthouse

"Legislative Update"

(It is time to find out what goes on
in the Capitol)

Speakers:—

William B. Wiley — The Florida
Bar

Thomas F. Gustafson — Florida
House of Representatives

Wednesday, July 19, 1978

Topic: **"Evidence"**

\$1.00 contribution
for printing please

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PRESIDENT'S MESSAGE

On Thursday, May 4, 1978, President Carter addressed the Los Angeles Bar Association in honor of Law Day. In his talk, he charged that lawyers frequently resort to litigation "at the drop of a hat", tying up the courts for no valid judicial reason. He said the result is a justice system that is "more expensive and less equal than it ought to be". The effect, he said, can be seen in the prisons where "nearly all inmates are drawn from the ranks of the powerless and the poor . . ."

He went on to say that the wealthy are getting advantages they shouldn't have. He is quoted as saying: "Too often, big shot crooks," such as white collar criminals and public officials, "escape the full consequences of their acts . . ." Our President charged that the legal system has set up too many "economic barriers to justice". He claimed that when a poor family is cheated by a merchant" . . . it can very rarely take advantage of skilled legal talent at reasonable rates". He in effect said that the people are over-lawyered and under represented. He

said too many minor disputes are clogging the courts. He said that the lawyers are not doing enough pro bono work and he blamed the lawyers for representing clients he finds reprehensible.

On the next day, he attacked the doctors. Of course, he did this on his swing through the West because he was concerned with what the newspaper calls "lagging polls".

It is clear that he has taken a popular course of attacking the professions. He did this when we are in double digit inflation, when challengers are appearing for the 1980 presidential nomination, and when his ratings at the polls are at an historic low.

He turned into slogans the serious and complex problems that the organized Bar has struggled with for years. We should be disturbed and concerned by the simplistic nature of his statements.

It isn't only the President that is attacking us. What we have to do is look to the northwest and Tallahassee. In a recent debate in the House of Representatives over a bill that would permit the creation of a Trust to collect money from lawyers and fund the election campaigns of the Judiciary, it was suggested of the House of Representatives that attorneys ought to be brought under the Bureau of Business Regulations. And he's not the first one to make that suggestion, and I'm certain he's not going to be the last.

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

OFFICERS

Paul B. Anton *President*
 Maurice O. Rhinehardt ... *Pres.-Elect*
 Harry G. Carratt *Secretary*
 Russell E. Carlisle *Treasurer*
 Norma Howard ... *Executive Secretary*

I think we here in Broward County can be proud of our profession and I think we can be proud of the organized Bar. We can't rest on our laurels, which is evidenced by the President's remarks. To build a stronger association, we have to represent all of the lawyers for Broward County. I believe that your newly elected officers and Executive Committee can supply the leadership but we will need your help. I hope that in the coming year I will be able to count on each and every one of you for that help.

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When Does The Public Call Upon A Lawyer And Why

Responses from laymen, indepth in-

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 Seventeenth Judicial Circuit*

interviews and questionnaires reveal that although at least 1/3 of those interviewed have never used a lawyer, most apparently needed legal advice on several occasions. These were the findings of a Missouri Bar survey regarding public attitudes toward lawyers.

In the purchase and sale of real estate, laymen do not seek the advice of a lawyer among other reasons because of representations made by real estate agents that as a part of the agent's services, contracts and deeds will be drawn without charge to the customer. Of 2,522 questionnaires answered, 56% indicated that it was the realtor who handled the transaction of real estate, only 15% of the respondents indicated that their lawyer participated in the buying and selling of real estate. A poll of lawyers, listed real estate contracts, deeds, chattel mortgages, notes and bills of sale as the leading legal activity that is being taken outside of the legal profession by the public.

Lawyer response to questionnaires listed the following groups as those most responsible for the loss of legal business:

- Real estate people and title companies — 27.4%
- Trust Departments or Banks — 23.4%
- Insurance Agents and Adjusters — 22.5%
- Accountants — 19.9%
- Notary Public — 5.6%
- Others — 1.2%

Lay people listed the reasons they take legal problems to non lawyers as follows:

- a. Because of failure of lawyers to take action promptly.
- b. Because non lawyers can solicit or do the work free.
- c. Due to delays in the Court system in litigated matters.
- d. Because non lawyers such as accountants are experts.
- e. Many laymen feel that they can settle their own affairs.
- f. Many laymen are not acquainted with a lawyer but are more likely to be acquainted with a realtor, banker, or insurance man.
- g. Some Laymen do not trust lawyers, or want to avoid a battle because they fear that someone who hires a lawyer is a contentious individual.
- h. Lawyers are too expensive.

Thorough consideration of the findings of the Missouri survey as well as the opinions of the laymen who were questioned can benefit every lawyer in fostering good relationships with his clients and the public at large.

— David L. Kahn,
 Public Relations Committee
 B.C.B.A.

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Ninth Conference on the Law of the World

Palacia de Congressos, Madrid, Spain
 September 16-21, 1979

Vatican City, September 23, 1979

For information regarding registration contact The World Peace Through Law Center

Attn.: Conference Registration
 Suite 800,
 1000 Connecticut Avenue, N.W.
 Washington, D.C. 20036

NOTICE OF BAR GROUPS MEETINGS

Date	Organization	Location	Time
June 13, 1978	North Broward Bar	Flaming Pit Pompano Beach	12:00 Noon
June 28, 1978	Broward County Legal Secretaries	Ramada, Inn, State Road 84 Ft. Lauderdale	7:00 P.M.
July 5, 1978	Broward County Trial Lawyer Association	303 N. Atlantic Blvd. Ft. Lauderdale	6:30 P.M.

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POSITION ANNOUNCEMENT

Position:—
Director, Office of Field Services

Location:—
Office of Field Services,
Legal Services Corporation
Washington, D.C. 20005

Please submit complete resume no later than June 19, 1978 to Director of Administration, Legal Services Corporation, 733-15th Street N.W., Washington, D.C. 20005.

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The Florida Bar Travel Program

Europe — August 13-30, 1978

Dates:—

Depart: Miami Sunday, August 13, 1978, nonstop to LUXEMBOURG. Depart LUXEMBOURG, Wednesday, August 30, 1978 for return to Miami.

Aircraft: Icelandic Airlines Super DC-8-63 jet.

Price: \$340 round trip, per person.

Checks: Due at once, Payable to FLORIDA BAR CHARTER ESCROW ACCOUNT, Barnett Bank of Tallahassee. Mail to The Florida Bar, Travel Programs, Tallahassee, Fla. 32304

Eligible: Not only Florida Bar members, but ANYONE — legal secretaries, friends, relatives, neighbors, etc., etc.

Deadline: June 26, 1978

Are You Sure That Your Last Dissolution Case Is Valid?

"The Uniform Child Custody Jurisdiction Act", F.S. §§ 61.1302 — 61.1348; 39.06(6); 61.13(2) (b); and 61.20 became effective on October 1, 1977. It creates mandatory pleading requirements in all domestic cases where children are involved. Under Florida Statute 61.132 information must be provided under oath either in the Complaint for dissolution or by accompanying affidavit at the inception of the lawsuit. Actions filed after October 1, 1977, as they relate to child custody, supervision or visitation rights may be jurisdictionally defective unless the requirements of the Act have been met.

* * * * *

Report of the Members of The Board of Governors

INTRODUCTION. The three members of the Board of Governors of The Florida Bar from Broward County consider it appropriate to inform the members of the Broward County Bar Association of just who are the Board of Governors throughout the State and in what activity they are engaged.

On February 9, 1978, the Supreme Court of Florida issued a Per Curiam opinion by which Article III of the Integration Rule of the Florida Bar was amended to provide that the Board of Governors shall consist of 38 members, including the President and President-Elect of The Florida Bar; and the same of the Young Lawyer's Section; one representative from each judicial circuit (20); and fourteen (14) additional circuit representatives from the circuits.

Accordingly, there are 38 voting members of the Board; and in each of these reports we shall give you a profile of some of the members.

The newly elected President is Bob

Floyd from Miami, who is a former FBI agent, Sheriff of Dade County, Circuit Judge and President of the Dade County Bar. He has been a member of the Board of Governors since 1968; and because he has chaired the Budget Committee of the Board of Governors, he is probably the most knowledgeable to speak on the pertinent subject of the proposed dues increase of the Bar.

Harris Dittmar is from Jacksonville with the Bedell firm and was Senator Gurney's counsel in the Senator's criminal trial.

Joel Sharp is a tax lawyer from Orlando, whose wife is also an attorney.

Mel Orfinger from Daytona Beach does a lot of Plaintiffs' work and Ed Cluster from Ocala does a lot of Defendants' work in the personal injury area.

BOARD MEETING OF MAY 11, 12 and 13, 1978. The Board meets 6 times a year at different locations throughout the state and held its May meeting in Fort Lauderdale.

Of great interest to the trial lawyers was the appearance of Senator Barron from Panama City who informed the Board that if his bill was not enacted, Mr. Gunter's FAIR Amendment would be submitted to the voters of Florida. A representative of the Academy of Florida Trial Lawyers indicated that the Academy's Board of Governors approved the bill. Accordingly, the Board of Governors of The Florida Bar authorized its trial lawyers' section to take such action with respect to the bill as it deemed appropriate.

Prepaid group legal services engendered considerable discussion as a number of plans which meet the guidelines of the Supreme Court are being approved by the Board of Governors. Those of us in the Broward delegation are concerned about the solicitation aspects of such prepaid group services plans. The Board of Governors will con-

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sider a plan for The Florida Bar at its meeting in July.

Certification of the proposed family law section was discussed. The Board deferred approval of any additional certification plans, pending approval of guidelines by the Supreme Court.

The Board, in executive session, issued private reprimands to a number of lawyers.

Reapportionment was discussed and a report was made of the votes of the Broward County Bar Association's Executive Committee and of the general membership at the Association's meeting.

It was of concern to the Board that the general membership (1,821) of the Broward County lawyers had not voted upon this matter and that the only ones voting (less than 100) were those in attendance at the meeting of the Association. Of further concern to the Board in the resolution being proposed by the Broward County Bar Association is the fact that non-resident attorneys constitute between 20 and 25% of all the lawyers admitted to The Florida Bar.

Long range planning was discussed, specifically with respect to future admissions to the Bar and the quality of those admitted.

Your attention is called to the decision of the Supreme Court of Florida in 356 So.2d 799, by which trust accounts can be interest-bearing, which interest is to be paid to The Florida Bar Foundation.

The problem of self insurance was discussed at length and is being studied carefully to prevent the lawyers in this state from being caught in a situation in which they are left with no recourse should the commercial insurers seek to substantially escalate malpractice premiums.

The Board was generally opposed to a continuation of cameras in the courtroom and a response to the Supreme Court Order is to be filed.

The entire subject of disciplinary procedure and, specifically, the response to the Karl Committee report was initiated and is to be the subject of a subsequent special meeting of the Board or the Executive Committee.

Hugh S. Glickstein
William F. Leonard
O. Edgar Williams

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WELCOME, NEW MEMBERS

JEROME J. SANCHY, a native of Youngstown, Ohio, received his undergraduate degree from Columbia University and his law degree from the University of Connecticut. He is associated with Robert J. Sullivan, Fort Lauderdale.

A. ALFRED SCHREIBER, a native of New York City, received his undergraduate and law degrees from New York University. He practices alone in Hollywood.

BARRY R. SHAPIRO, a native of New York, received his undergraduate and law degrees from the University of Miami. He practices alone in Fort Lauderdale.

MARY ELLEN SHOEMAKER, a native of Plainfield, New Jersey, received her undergraduate degree from Boston University and her law degree from Nova University. She practices alone in Fort Lauderdale.

CHARLES H. VAUGHAN, a native of Decatur, Alabama, received his undergraduate degree from the University of Alabama and his law degree from Cumberland University. He is associated with Kenneth E. Delegal, Fort Lauderdale.

MAX NOWAK WALLACE, a native of Kansas City, Missouri, received his undergraduate degree from Duke University and his law degree from the University of Florida. He is associated with the law firm of English, McCaughan & O'Bryan, Fort Lauderdale.

PATRICIA L. WECK, a native of Quincy, Illinois, received her undergraduate degree from Illinois Wesleyan University and her law degree from the University of Miami. She is associated with Weck & Stone, P.A., Pompano Beach.

STEPHEN H. WHILDEN, a native of Tampa, Florida, received his undergraduate degree from the University of California-Berkeley and his law degree from George Washington University. He is the legal counsel for the Seminole Tribe of Florida, Hollywood.

CARL J. ZARCONE, a native of Baltimore, Maryland, received his undergraduate degree from the University of Maryland and his law degree from the University of Miami. He is associated with Edward R. Johnson, Fort Lauderdale.

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