

The BROWARD BARRISTER

NOVEMBER, 1978

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PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
Executive Offices: 732 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, NOVEMBER 16, 1978 ANNUAL LEGISLATIVE DINNER

THE SUNRISE INN
999 N. Atlantic Boulevard
Fort Lauderdale, Florida

6:30 P.M. — Cocktails ■ 7:15 P.M. — Dinner

Price — \$15.00

SPEAKER: **Angelique Stahl**
Alternate Representative of the United States
of America to the United Nations General Assembly

The Broward County Bar Association will honor the Broward Legislative Delegation at this meeting. You are urged to attend this meeting and meet your Representatives in Tallahassee. Come and bring a guest.

RESERVATIONS MUST BE MADE BY NOVEMBER 14, 1978. Please use the enclosed card or call 764-8040.

The December meeting will be on Wednesday, December 20, 1978, at Pier 66. The speaker will be Jim Smith, Attorney General-Elect of Florida. The retiring judges in the Seventeenth Judicial Circuit will also be honored. **Mark your calendar now.**

YOUNG LAWYERS SECTION NOTICE

There will be no Young Lawyers Section meeting in November as the regular meeting date falls on Thanksgiving.

Friday, January 19, This is planned for new admittees to The Florida Bar and law students. Watch for details in the December *Barrister*.

For information regarding registration please contact:

Mr. William Davell, P.O. Box 14098,
Fort Lauderdale, Florida 33302.

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Corporation, Banking & Business Section Seminar

December 1, 1978

8:30 A.M. — 1:00 P.M.

Broward County Courthouse
Room 250
Fort Lauderdale, Florida

Detailed information and the registration form are included with the *Barrister*.

Operation: Update/Transition

Wednesday, November 15, 1978

— 4:30 p.m. —

Room 250

Broward County Courthouse
Fort Lauderdale, Florida

Topic:

"BuyOut Problems in Condominium
Recreation Leases"

Speaker: Brian C. Deuschle
(\$3.00 contribution for printed
materials please)

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Broward County Legal Secretaries Legal Executives' Dinner

November 10, 1978

Holiday Inn Plantation
1711 N. University Drive,
Plantation — 7:00 P.M.

The BCLS will honor the Honorable Jose' Gonzalez, Judge, United States District Court for the Southern District of Florida as the Legal Executive of the year.

PRESIDENT'S MESSAGE

Your President, President-Elect, Chairman of your Courts Committee and certain designated members of your Executive Committee have monthly meetings with the Chief Judge, Tedder and members of the Circuit Bench and the County Court Bench. The purpose of the meeting is to discuss the problems the Bench has with the Bar and vice versa.

The first thing I want to do is, of course, make you aware of these meetings and tell you that your Association invites you to make us aware of any particular problems you think merit discussion at these meetings. Your concerns should, of course, be expressed in writing.

At a recent meeting we discussed the crowded trial calendars of the Circuit Judges. This discussion brought into focus one big problem the Courts have in disposing of complicated accounting cases, lien foreclosures and other like matters that require a great deal of the Courts' time in accepting factual evidence. It was suggested that in these

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 Director*

instances the Courts and our judicial system might be better served if special masters were used. These special masters would, of necessity, have to be senior practitioners who have a good measure of expertise in the particular areas in question.

I called to Judge Tedder's attention and I call to your attention to the fact that many of us volunteer to serve as arbitrators for the American Arbitration Association at no fee. Why couldn't we volunteer to serve the Courts in this same capacity? I know of no reason why we cannot and I know of no reason why we should not.

How many of us have been involved in matters where the Courts have labored long and hard in considering the

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priority of ten or twenty mechanics' lien claimants at hearings that lasted a day or a day and a half that took six months to schedule because of the Judge's busy calendar that could have easily been resolved by one of our peers? Too many of us.

Judge Tedder would like to know what you think about such a proposition. Can we develop a cadre of volunteer special masters to serve the Bench, the Bar and the people of Broward County? I hope so.

Any member who wishes to volunteer for this worthy project should send a letter to BCBA, 735 N.E. Third Ave., Fort Lauderdale Fla., expressing your willingness to serve as a volunteer.

Paul Anton
 President

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BAR-MEDIA MEETING

Your President and your President-Elect had lunch recently with representatives of the media. Those who were in attendance included:

- Mrs. Ruth Brown, General Manager, The Broward Review
- Mr. Dave Collin, News Director, WFTL Radio Station
- Mr. Don Dare—Station WCKT-TV
- John W. Fleming, Esq., Attorney for The Fort Lauderdale News
- Ms. Norma Howard, Executive Director, Broward County Bar Ass.
- Mr. Milton Kelly, Editor, The Fort Lauderdale News
- Mr. Robert Plaisted, Editor The Sun-Sentinel
- Mr. Jim Reynolds — Station WPLG-TV
- The Honorable Maurice O. Rhinehardt, President-Elect, Broward County Bar Association
- Ms. Loretta Scott, Sun-Tattler Staff, Hollywood Sun-Tattler
- Ms. Carol Weber, Editor, The Miami Herald
- George Naze, Chairman Public Relations Committee

The purpose of the meeting was to improve communications between the media and your Bar Association in the

media covering the Courts and the Court calendars. Toward this end, your Association is planning a seminar for the specific purpose of improving communications between the Bar and the media.

Those representing the media at the meeting were in unanimous agreement that the thing that distressed them the most was the refusal by the members of the Bar to comment on pending litigation. They pointed out that some lawyers freely communicate, while others refuse to say a word. Your officers, George Naze, Chairman of the Public Relations Committee, and John Fleming a member of our Association who was also present, could not agree on a course of action in this respect. Several of us expressed the opinion that we thought it was totally inappropriate to comment on cases pending before the Court, although in certain instances counsel participating in the litigation feel free to do so.

Representatives of the media present also noted the difficulty of getting answers to some complicated legal questions. They were especially distressed when we stated that it is very difficult for your President or President-Elect to talk for the 2,000 lawyers that practice in Broward County on a point of public controversy without even first having the approval of our Executive Committee.

In this respect, they asked your Association to name a panel of specialists who they might call upon to discuss particular questions of law. Your officers think that this is an excellent idea. This message can be considered as a request by your Association addressed to those who are interested to favor us with a statement as to your interest in being included on a panel to respond to the media in the event they have a question or a problem. If any of you are inclined to affirmatively respond, we would like to be favored with not only your office number but your home number and your area of specialty. You will be volunteering for phone calls at home as well as in the office so as to enable the reporters to meet their deadlines.

Statements of interest should be mailed to:

ROSS, LOMBARD & BALLARD INSURANCE, INC.

101 N.E. THIRD STREET
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 FORT LAUDERDALE, FLORIDA 33302
 TELEPHONE 763-7800

BCBA
735 N.E. 3rd Avenue
Fort Lauderdale, Florida

Paul Anton
President

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Legal Aid Service of Broward County, Inc.

The Broward County Bar Association has two appointees on the Board of Directors of Legal Aid Service. Ray Ferrero, Jr. and Joseph Murphy are the two appointees at the present time. Mr. Ferrero's term expires on December 31, 1978, and he has advised the Executive Committee that he does not seek reappointment. Any member of BCBA who is interested in the appointment should send a letter to the Executive Committee, 735 N.E. Third Avenue, Fort Lauderdale, Fla. 33304. Letters should be received no later than November 30, 1978.

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Guidelines of First Federal Savings and Loan Association of Broward County For Title Insurance

Effective October 1, 1978, First Federal Savings and Loan Association of Broward County adopted new guidelines in connection with its acceptance of title insurance commitments submitted by attorneys and non attorney suppliers. First Federal of Broward will now accept mortgagee policies written simultaneously with a policy written to the purchaser provided the underwriter is approved by the Federal Home Loan Mortgage Corporation.

When a title insurance commitment is tendered to First Federal of Broward in connection with a mortgage transaction the issuing attorney will receive

FINANCIAL REPORT FOR BCBA

Adopted Budget	Actual
June 1, 1978 -	Receipts &
May 31, 1979	Disbursement
	June 1, 1978 -
	Sept. 30, 1978

RECEIPTS:

Dues:		
BCBA	\$54,000	\$49,360
LRS	12,500	10,900
Sections	5,000	7,140
Dinners		1,445
CLE		1,319
Interest	2,800	605
Advertising	2,400	—
LRS Income	10,000	2,795
Miscellaneous		972
Total	\$86,700	\$74,536

DISBURSEMENTS:

Salaries & Payroll Taxes	\$35,800	\$ 9,492
Supplies	7,480	2,101
Printing	3,630	1,050
Dinners	1,100	4,523
Committee Expense	1,100	213
Judicial Polls & Surveys	4,000	1,501
Dues & Subscriptions, Service		
Contracts Equipment Rental	3,080	902
Utilities	6,050	1,896
Sections	2,500	—
CLE	1,000	546
LRS Supplies	550	414
Audit	1,500	—
Insurance (Employees)	1,200	186
Robing Ceremonies	1,500	149
Mortgage Payments	3,710	1,236
Insurance	300	331
Repairs & Improvements	1,000	278
Equipment Reserve	500	—
Manitenance	500	—
Capital Expenditures - Equipment ..	3,000	145
LRS Miscellaneous		50
Expense Allowance	1,500	458
Scholarship Fund	1,500	—
Miscellaneous	900	1,131
Pension Plan	3,300	—
Total	\$86,700	\$26,602

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a letter setting forth the following procedures and policies pertaining to the initial and all future transactions:

- 1) The issuing attorney must provide First Federal of Broward with a letter of indemnity from the underwriter.
- 2) The binder must have an effective date no more than thirty (30) days prior to the date First Federal of Broward receives it.
- 3) The binder must be issued for no less than six (6) months or 180 days.
- 4) The issuing attorney must provide an original and a copy of the binder and one copy of all documents set out in the "Exceptions to Title Schedule," (except liens to be satisfied). This is usually Schedule B-II or Schedule C.
- 5) The name and address of the issuing attorney and the name of the person who signs the binder must be clearly shown on the binder.
- 6) The policy or reasonable written explanation of why it cannot be written must be delivered within 45 days from the date of First Federal of Broward's escrow letter transmitting the loan proceeds. Failure to comply with this request will result in First Federal of Broward's refusal to accept further binders from the issuing attorney on new transactions.
- 7) Payment for the mortgagee policy will be remitted only after the policy has been approved by First Federal of Broward's attorneys.

Coordination concerning the clearance of title exceptions and other arrangements for closing should be made with First Federal of Broward's central processing department at its Las Olas Boulevard Office.

In the past, many attorneys expressed their displeasure concerning First

Federal of Broward's policy of not accepting title insurance commitments issued by attorneys. The new guidelines apply to all suppliers of title insurance and no distinction is made between attorney and non attorney suppliers.

THOMAS R. TATUM, Chairman
Real Property Section
Broward County Bar Association

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PROCEDURAL SUGGESTIONS

DISMISSAL FOR FAILURE TO PROSECUTE — A careful reading of R.C.P. 1.420 (e) and recent caselaw and text interpreting the Rule reveals Mr. Trawick has succeeded in convincing the Florida Supreme Court to divest Judges of discretion as to dismissal for want of prosecution where there has been no activity of record for one year. Thus, unless it can be shown that an emergency Prevented activity of record during the period, such inactivity demands dismissal or exposes subsequent record activities to collateral attack for want of jurisdiction.

The Rule and interpretation thereof are contrary to the public policy of encouraging settlement negotiations off the record and of encouraging reconciliation attempts while Dissolution of Marriage proceedings are pending.

If settlement negotiations or reconciliation attempts are occurring off the record with no activity of record otherwise appearing, it is suggested that counsel file a periodic "Stipulated Notice of Activity", stating that settlement negotiations or attempts at reconciliation are ongoing and that counsel will notify the Court should out-of-Court settlement activities fail and will, in such an event, proceed toward trial or final hearing in a diligent manner.

PRACTICE IN OTHER COUNTIES — Attorney's handling litigation outside

Broward County would better serve themselves and their clients by gaining familiarity with local rules and judges of the forum county. For example, a quick reading of the Palm Beach County Local Rules might save trips to West Palm Beach. The Palm Beach County Rules provide that two adverse South County attorneys may stipulate to have certain contested Circuit Court matters heard by a County Judge sitting as a Circuit Judge at the South County Annex in Delray Beach. The rule inures to the benefit of Broward County attorneys.

A phone call to any Palm Beach County domestic relations practitioner would reveal that one particular Palm Beach County Circuit Judge will (a) order counseling in any dissolution of marriage proceeding where the couple has had no prior counseling, and (b) refuse to grant an uncontested dissolution unless both parties are present at final hearing.

The sources for time saving and money saving procedures in intercounty practice, then, are local rules, local counsel, the Clerk's office and Judges and their secretaries.

ALAN J. POLLOCK

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WELCOME, NEW MEMBERS

WILLIAM E. STOCKMAN, a native of LaMesa, California, received his undergraduate degree from the University of South Florida and his law degree from Nova University. He is associated with the firm of Sullivan, Cochran, Ranaghan, Bailey and Gleason, Pompano Beach.

JACK H. VITAL, III, a native of Washington, D.C., received his undergraduate degree from Marshall University and his law degree from George Washington University. He is associated with the firm of Simons & Schleslinger, Fort Lauderdale.



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