

The BROWARD BARRISTER

JANUARY, 1979

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

NO GENERAL MEETING IN JANUARY

The House and Entertainment Committee has recommended that General Meetings of Broward County Bar Association be held bi-monthly, and this will be done on a trial basis until the end of this fiscal year. Your suggestions and comments on this procedure will be welcome and helpful in making future plans.

Next General Meeting – Thursday, February 15, 1979 – Pier 66

YOUNG LAWYERS SECTION MEETING

Thursday, January 25, 1979

Stouffers' Anacapi Inn

1901 N. Federal Highway
Fort Lauderdale, Florida

— 12:00 Noon —

Lunch: \$5.00 Members of YLS
\$6.00 Non-Members YLS

Program: "Should We Disintegrate
The Florida Bar"

Speaker: John Hume

Reservations should be made with:

James B. Davis
P.O. Box 9027
Fort Lauderdale, Florida 33310

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YOUNG LAWYERS SECTION PRESENTS

"HOW TO FIND THE COURTHOUSE"

Friday, January 19, 1979

10:30 a.m. — 5:30 p.m.

Room 250

Broward County Courthouse
Fort Lauderdale, Florida

For information regarding registration
please contact:

Mr. William Davell
P.O. Box 14098
Fort Lauderdale, Florida 33302
Phone: 462-3301

PROBATE SECTION SEMINAR

JANUARY 26, 1979

8:30 a.m. — 1:00 p.m.

— Room 250 —

Broward County Courthouse
Fort Lauderdale, Florida

Registration forms with detailed infor-
mation are enclosed.

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Summer Humanities Seminars For Lawyers And Judges in 1979

The National Endowment for the Humanities, a federal agency, plans to support eight humanities seminars for lawyers and judges in 1979. The seminars, which meet during the summer at selected colleges and universities, will bring lawyers and judges together for a month of full-time study under the direction of distinguished law teachers, historians, philosophers and other scholars. The program's purpose is to advance public understanding and use of the humanities as a resource for helping to clarify American values and goals by giving men and women with practical responsibilities the opportunity to stand back from their work and explore its humanistic dimensions. Seminar topics cover a wide range of public policy and other questions which underlie present day concerns about the quality of life at a time of challenge to many of our society's traditional values.

Three seminars are open to lawyers and judges in all sectors of legal em-

ployment, except those with full-time academic appointments. They deal with such topics as the legal profession and social justice, the art of judging, and the relationship between justice and the rule of law. Five other seminars are intended for members of various professions, including law. These will deal with value conflict in Western society, the economic and cultural effects of our market economy, the cultural foundations of U.S.-Asian relations, individualism in American society, and the influence of contemporary religious movements.

From 12 to 15 persons will attend each seminar tuition-free, receiving a stipend of up to \$1,200 to cover expenses, plus reimbursement for travel. The application deadline is April 16, 1979. For applications and further information write:

Professions Program
Division of Fellowships, MS 101
National Endowment for the
Humanities
Washington, D.C. 20506

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Attn.: CLE Department

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

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 Norma Howard _____ *Executive Director*

**Nova Law Center Presents
 Revenue Act Of 1978 —
 Update Seminar**

FEBRUARY 21, 1979

The Sunrise Inn
 999 N. Atlantic Boulevard
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Tuition, Lunch and handouts will be
\$55.00

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<p>★ Court Activities - daily ★ Business news - daily ★ Real estate - daily ★ Banking news - daily <i>for professionalism in legal advertising</i></p> <p>Broward Review 463-1432</p> <p><i>official legal newspaper for the Seventeenth Judicial Circuit</i></p>

**Criminal Defense Lawyers'
 Association Meeting**

February 13, 1979 — 6:30 p.m.

The Sheraton Hotel
 303 N. Atlantic Boulevard
 Fort Lauderdale, Florida

Speaker: **Robert A. Butterworth,**
 Sheriff of Broward County

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LEGAL ETHICS ALERT

By G. Laurence Baggett

**Selection of Various Ethical
 Considerations Presented
 By The Broward Bar
 On Legal Ethics**

Refusal by a lawyer to complete a matter he has undertaken to handle for a client until the client has paid the remainder of his fee is a frequent complaint to grievance committees.

Many lawyers erroneously believe that they have the right to condition completion of the representation of the client upon receipt of full payment of an agreed upon fee. A lawyer has no such right under the code of professional responsibility.

A lawyer may condition the initial acceptance of employment upon payment of the fee in advance, but once services have been contracted for he may not condition completion of the services on payment of this fee.

Disciplinary Rule—101 (A) provides:

A lawyer shall not intentionally: (1) fail to seek the lawful objectives of this client the reasonably available means permitted by law . . . (or) (2) fail to carry out a contract of employment entered into with a client for professional services. . . .

Once a lawyer undertakes to represent a client he is obligated to exert his best efforts to advance the clients legitimate interest with fidelity and diligence until he is relieved of that obligation either by his client or by the court. The failure of the client to pay for his services does not relieve a lawyer of his duty to perform completely and on time.

**American Bar Association
 Annual Meeting — 1980**

The 1980 Annual Meeting of the American Bar Association will open with registration in Honolulu at 12 noon on Thursday, July 31, 1980, and will conclude in Sydney, Australia on Friday, August 15, 1980. As the program for the meeting develops more information will be available.

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**ABA President Refutes
 'Half-Truths' About Lawyers**

Distortions and half-truths published about the legal profession must not go unanswered, S. Shepherd Tate, president of the American Bar Association, said in a speech given to a meeting of the Legal Section of the American Council of Life Insurance in Washington, D.C.

"It is the duty of all lawyers today to speak out — whether in letters to the editors, speaking engagements before local groups or just in social conversation. We should know and talk about the efforts of the organized bar to improve the judicial system and benefit the public," Tate said.

"But responding to half-truths and distortions will not be enough," he stated. Lawyer's actions "must confirm the truth of our words."

Tate referred extensively in his speech to the contentions of an editorial in U.S. News and World Report titled, "Our Hungry Lawyers." He said the editorial was not unique, but was a "typical example" of distortions and half-truths about the legal profession.

Tate noted that the article took out of context Chief Justice Burger's remarks about the number of lawyers in the country made during an ABA Conference on Minor Dispute Resolution. Tate refuted the article's allegation that there are too many lawyers, saying, "There are still unmet legal needs in this nation that we are striving to meet. The ABA's extensive Survey of Legal Needs indicated that there are segments of our society which need the services of more, not less, lawyers."

On another point Tate said, "I must

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take sharp issue with the accusation of the editorial that 'Lawyers bear the responsibility for bringing cases so frivolous that we even see children suing fathers and mothers for parental malpractice.'"

He said he knew of only one case of a child suing for parental malpractice. Furthermore, Tate said, when people do seek to assert claims without merit, "Lawyers have an ethical duty to refrain from filing such unwarranted lawsuits. Those who disregard this ethical obligation should be disciplined.

"From my own experience," Tate continued, "I think that the vast majority of lawyers do a good job of discouraging clients from pursuing frivolous claims."

Tate said that overcrowded courts are caused, in part, by the successful use of the justice system for social change. "In disputes involving civil rights and the environment, for example, many lawyers have used the highest skills of the profession to secure the legal rights of their clients through litigation. Simultaneously, citizens are becoming more aware of their legal rights and the role of the courts in protecting these rights. Although the responsiveness of the justice system to the changing needs of society has increased the burden on the courts, it has made justice a reality for many Americans."

The ABA president also noted that the article criticized the "horrendous expense" of legal actions. "The economic reality," Tate responded, "is that legal fees reflect lawyers' operating costs."

He said the ABA has been studying ways to improve law office economics, has fought for simplified court procedures and practices, encouraged legal clinics and prepaid legal services, and generally is "committed to reducing operating costs in order to deliver the

best possible legal services at the lowest possible prices."

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WELCOME, NEW MEMBERS

RICHARD A. BARNETT, a native of Akron, Ohio, received his undergraduate degree from the University of Pennsylvania and his law degree from Harvard Law School. He is associated with the firm of Krupnick and Campbell in Fort Lauderdale.

RICHARD E. BERMAN, a native of Brooklyn, N.Y., received his law degree from the University of Buffalo and his law degree from Syracuse University College of Law. He is associated with the firm of Ruden, Barnett, McClosky, Schuster & Schmerer in Fort Lauderdale.

DAVID F. COONEY, a native of Chicago, Ill., received his undergraduate and law degrees from Notre Dame. He is associated with the firm of Grimmert, Scherer & James in Fort Lauderdale.

BARBARA L. CURTIS, a native of Caro, Michigan, received her undergraduate degree from Michigan State and her law degree from Nova University. She practices alone in Fort Lauderdale.

STEVEN JAY DELL, a native of Queens, N.Y., received his undergraduate degree from Queens College and his law degree from John Marshall Law School. He is associated with the firm of Stone and Schapiro in Hollywood.

ROBERT F. EIMERS, a native of Long Beach, Calif., received his undergraduate degree from the University of California and his law degree from

Hastings College of Law. He is associated with the firm of Eimers & Jerome in Deerfield Beach.

STEVEN A. FRANKEL, a native of Tel-Aviv, Israel, received his undergraduate degree from Fordham University and his law degree from New York Law School. He is associated with the firm of Fiore & Bloomgardner in Fort Lauderdale.

DENNIS A. HAAS, a native of Detroit, Michigan, received his undergraduate degree from the University of Florida and his law degree from Nova Law Center. He is associated with Legal Aid Service of Broward County, Inc. in Hollywood.

ALEX P. HERRINGTON, JR., a native of Lexington, Kentucky, received his undergraduate degree from Georgetown University and his law degree from University of Kentucky. He is associated with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

VIRGINIA R. HIATT, a native of West Palm Beach, Florida, received her undergraduate degree from Florida Atlantic University and her law degree from the University of Florida. She is associated with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

DAVID F. HOLMES, a native of Orlando, Florida, received his undergraduate degree from Florida State University and his law degree from Nova Law Center. He is associated with the firm of Mastriana & Braverman in Fort Lauderdale.

EDMUND B. JOHNSON, a native of Leesburg, Florida, received his undergraduate and law degrees from the University of Florida. He is as-

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sociated with the firm of Fleming, O'Bryan & Fleming in Ft. Lauderdale.

STEPHEN E. MARKOVICH, a native of Waynesburg, Pennsylvania, received his undergraduate degree from St. Vincent College and his law degree from Ohio Northern University. He is associated with Systems Engineering Laboratories in Fort Lauderdale.

DONALD B. MEDALIE, a native of Cadillac, Michigan, received his undergraduate and law degrees from the University of Michigan. He practices alone in Fort Lauderdale.

TIMOTHY J. PAYNE, a native of Charlotte, N.C., received his undergraduate and law degree from the University of North Carolina. He is associated with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

MARTIN S. ROTHKOPF, a native of Brooklyn, N.Y., received his undergraduate degree from Queens College of City University of New York, and his law degree from New England School of Law. He practices alone in Margate.

ROBERT E. STUCKER, a native of Peoria, Illinois, received his undergraduate degree from Illinois College and his law degree from the University of Florida. He is associated with the firm of Blackwell, Walker, Gray, Powers, Flick & Hoehl in Fort Lauderdale.

Qualities Of A Good Judge

"We need judges learned in the law, not merely the law in books, but something far more difficult to acquire, the law as applied in action in the courtroom; judges deeply versed in the mysteries of human nature and adept in the discovery of truth in the discordant testimony of fallible human being; judges beholden to no man. Independent and honest and — equally important — believed by all men to be independent and honest; judges above all, fired with consuming zeal to mete out justice according to law to every man, woman, and child that may come before them and to preserve individual freedom against any aggression of government; judges with humility born of wisdom, patient and untiring in the search for truth and keenly conscious of the evils arising in a workaday world."

Vanderbilt, A. T. The Challenge of Law Reform. Princeton, New Jersey, Princeton University Press, 1955

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Canons of American Citizenship


Every American Citizen Should Recognize The Duty To:

1. Uphold the laws of the United

States, and the states and communities.

2. Defend our Country from invasion and our Government from overthrow by force, violence, or subversion.
3. Encourage respect for law and order and insist upon solutions of differences and grievances by processes of law and never by resort to violence or other unlawful means.
4. Support those charged with the enforcement and administration of our laws; voluntarily act as a witness and serve as a juror.
5. Harbor no prejudice against anyone because of race, religion or national origin.
6. Maintain pride in family, heritage and church as well as in community, state and nation.
7. Keep informed on issues and candidates, and vote in every election.
8. Respect the rights and opinions of others.
9. Participate in religious, charitable, civic, educational or other activities to promote the welfare of the community.
10. Acknowledge that 'responsibilities' are as important as 'rights' in the preservation of freedom and justice.

Drafted by
American Bar Association



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