

# The **BROWARD** **BARRISTER**

DECEMBER, 1980

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PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

## GENERAL MEETING THURSDAY, DECEMBER 19, 1980

**Pier 66 — Panorama Room**  
2301 S. E. 17th Street Causeway  
Fort Lauderdale, Florida

Cocktails: 6:30 P.M. — Host, United Federal Savings & Loan Association

Dinner: 7:30 P.M. — \$15/person — Spouses and dates invited

Speaker: H. T. Shulenberg

Topic: "Fiction of Male Supremacy"

The participation of United Federal Savings & Loan Association in this annual event is very much appreciated by the Bar Association.

**Reservations are necessary. Please call 764-8040** by noon, December 17, 1980, for reservations. Deadline for reservations and cancellations, Wednesday, December 17, 1980. Reservations made and not cancelled must be paid if guarantee is not met and the Bar is charged for dinners.

### THE BROWARD COUNTY BAR ASSOCIATION

Cordially Invites You To Attend  
The Robing Ceremonies of

#### CIRCUIT JUDGES

John J. King  
Estella May Moriarty  
Linda L. Vitale

and

#### COUNTY JUDGE

Patti Lu Englander

Of The Seventeenth Judicial Circuit  
In and For Broward County, Florida  
On Tuesday, January 6, 1981

At 4:00 O'Clock P.M.

Bailey Concert Hall  
3501 S. W. Davie Road  
Davie, Florida

The Officers and Executive Com-  
mittee of Broward County Bar

Association wish you

"Happy Holidays".

### YOUNG LAWYERS SECTION

#### "AFTER YOU FIND THE COURTHOUSE" SEMINAR

January 23, 1981

10:45 A.M. - 5:30 P.M.  
Broward County Courthouse  
— Room 250 —  
Fort Lauderdale, Florida

The seminar will include a courthouse tour, speeches on federal, criminal, probate, domestic relations, real estate and appellate practice. Representatives from Circuit and County Courts, Clerk's Office and the Sheriff's Civil Department will speak on rules and procedures.

The seminar is open to all recent admittees and third year law students.

Registration should be made with—  
Robert J. McFann  
764-4646

Registration Fee: \$ 7.50—Law Students  
12.50—Others

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### PRESIDENT'S REPORT

The Special Courts Committee, co-chaired by James H. Walden and W. Clayton Johnson, has been meeting reg-

ularly to consider ways to make the Civil Court calendars more current. Two of the suggested principal goals are that cases be set for trial within 6 months and that hearings on the Motion Calendar be held within 7 days. The Committee has unanimously recommended that all the Circuit Judges establish a two week jury calendar, instead of a one week calendar, beginning in 1981. Other changes are being considered by the Committee, including a uniform motion calendar and requiring certain motions to be supported by written memoranda, with the motions being determined by the Judge without oral argument. Some of the ultimate recommendations that may be made by the Committee will perhaps not be popular with many attorneys, but it appears that strong action is going to be required to speed up the civil calendars. The Broward County Bar appreciates the efforts of the Committee, which is composed of Judges Robert C. Abel, Jr., Morton L. Abram, George A. Brescher, Miette K. Burnstein, Raymond J. Hare, J. Cail Lee and Louis Weissing, attorneys Robert A. Curtis, Ray Ferrero, Jr., Theodore R. Hainline and David D. Welch, and Co-Chairmen, Judge Johnson and James Walden.

(Continued)

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

#### OFFICERS

Harry G. Carratt . . . . . *President*  
Russell E. Carlisle . . . . . *Pres.-Elect*  
Hugh T. Maloney . . . . . *Sec. - Treas.*  
Norma Howard . . . . . *Executive Director*

*(President's Report continued)*

#### CLE

Under the Chairmanship of Russell Carlisle, the Broward County Bar has developed a strong continuing legal education program this year which is being coordinated with the various sections of the Bar. The Family Law Seminar was held on November 20th and it was very good. The Corporation Banking and Business Law Section Seminar is planned for Thursday, December 11th, 1980, at the City Commission room of the Fort Lauderdale City Hall. Other programs have been planned and the members should take advantage of these opportunities to continue with their legal education.

#### Bar Appointments

Paul Anton was elected by the Board of Governors as The Florida Bar's delegate to the American Bar Association House of Delegates for a one year term. He is the first such appointee from Broward County.

The Supreme Court of Florida has appointed James D. Camp Jr. to serve on the Florida Board of Bar Examiners.

Norma Howard, our Executive Director, has been appointed by Leonard Gil-

bert to serve on The Florida Bar's Local Bar Association Liaison Committee.

#### Merit Retention

The Broward County Bar has received many letters of thanks from the Judges of the Fourth District Court of Appeal of Florida, thanking members in our recent efforts to explain merit retention to the voters in Broward County, Florida, for assisting the Judges in their merit retention elections. With the help of the Broward County Bar, we were able to obtain assistance from the news media and other organizations, recommending the retention in office of those Judges.

HARRY G. CARRATT,  
PRESIDENT

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#### Model Rules of Professional Conduct

Copies of the Report of the Special Committee of the Board of Governors of The Florida Bar commenting on the January 30, 1980 Discussion Draft of Model Rules of Professional Conduct are available for your inspection in the Broward County Bar Association office. The length of the report does not permit mailing copies to members. You are urged to stop and review this report. Comments and recommendations may be sent to Gerald F. Richman, Two South Biscayne Boulevard, 25th Floor, Miami, Florida 33131.

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#### Chief Justices Conference

The Florida Supreme Court will be host for the Chief Justices Conference in Boca Raton, Florida, in August, 1981, which conference will consist of all the Chief Justices of the States Supreme Courts and the United States Supreme Court.

The Broward County Bar, along with the Palm Beach Bar, has been asked to assist the Court with this conference and the following persons have been named to the Committee:

Hugh T. Maloney, Chairman  
Paul Anton  
W. George Allen  
Jesse S. Faerber  
Peter A. Portley  
Harry G. Carratt, Ex-Officio  
Russell E. Carlisle, Ex-Officio

## VACANCY

A vacancy in the position of Deputy Commissioner of the Division of Labor and Employment Security serving the Palm Beach County area now exists.

The professional qualifications required for the appointment to the position of Judge of Industrial Claims is set out in Florida Statutes 440.

All qualified persons who are interested in being considered for appointment to this position should contact the Commission Chairman, J. D. Lewis, III, 117 Seminole Avenue, Suite 200, Stuart, Florida at (305) 283-8260 to obtain written application which must be submitted to his office no later than 5:00 P.M. on December 19, 1980.

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#### Nominations Sought For Young Lawyers Section Award

Two Awards, one for the Outstanding Lawyer and the other for Outstanding Jurist, will be presented by The Florida Bar Young Lawyers Section. All YLS Members are invited to make nominations for each Award.

Nomination requirements are as follows:

The Florida Bar Young Lawyers Section Outstanding Lawyer Award, which will be presented at the dinner meeting during the Young Lawyers Annual Convention on April 9-12, 1981, includes the Criteria of integrity, legal ability, furthering the public interest in a matter reflecting excellence on Florida lawyers, and beneficial compliments geared to the needs of Florida Young Lawyers. Nominees may not be current members of the Young Lawyers Section Board of Governors and need not ever have served on that Board. A written nomination of no more than three pages explaining how the nominee fulfills the

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# FLORIDA WILL MANUAL

## NEW EDITION OF LANDMARK'S TIME-SAVING AID TO LAWYERS WHO DRAFT WILLS AND TRUST AGREEMENTS. REFLECTS CHANGES IN FEDERAL TAX LAW AND FLORIDA PROBATE CODE.

This is the Florida edition of the highly regarded Will Manual used by leading attorneys throughout the United States. Widely used in Broward County.

The forms in the Florida Will Manual are annotated to Florida Statutes. Copious footnotes cite authorities and guard against common errors in draftsmanship.

## EASY TO USE

Forms are conveniently arranged in usual will and trust sequence, with many optional and alternative clauses. The table of contents, index, and divider tabs afford rapid access to all sections and clauses. There are frequent cross-references.

## CONTENTS ARE COMPREHENSIVE

The Manual allows you to adapt each form to the special requirements of your client, depending upon family relationships, nature of assets, tax circumstances, and other considerations. Included are:

- Will forms
- Marital and residuary trust clauses
- Inter vivos trust forms
- Insurance trust forms
- Charitable trust forms
- Clauses to handle special situations

## THOROUGH SCHOLARSHIP

The editors are Robert A. White and Robert C. Gunn, members of the Florida Bar. The collaborating editors are Elmer Lee Fingar and David R. Bookstaver, members of the New York Bar.

Each form is supplied with footnotes by the editors to alert the practitioner to Florida statutes and case law. The forms are designed to reflect the Tax Reform Act of 1976, with citations by the editors.

## CONVENIENT AND CURRENT

The Florida Will Manual is a looseleaf hard cover book, 10½" by 7½", with over 180 pages. Annual supplements are available at low cost to keep the contents up-to-date with new forms, current laws and decisions, and comments by the editors. Price: \$48.00 postpaid plus 4% Florida sales tax. Sent only to members of the Broward County Bar Association.

To obtain your copy fill in and mail this coupon. Supply is limited. Allow three weeks for delivery.

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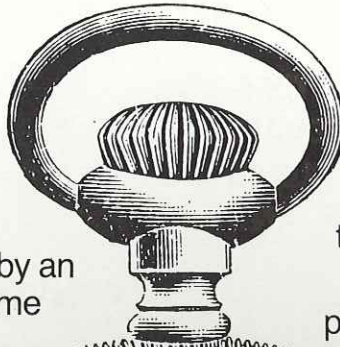
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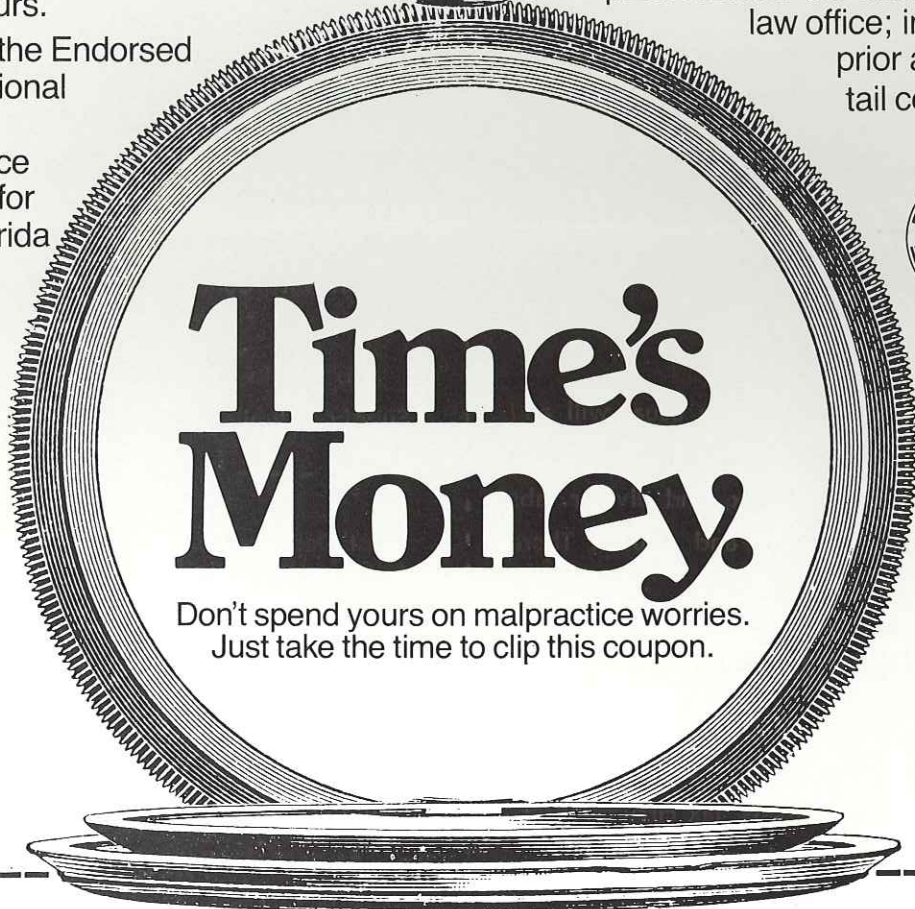
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Award Criteria should be submitted by January 2, 1981. Nominations should be sent to Ms. Carolyn L. Ossi, 4233 Atlantic Boulevard, Jacksonville, FL 32207.

The Outstanding Jurist Award will be presented at the Judicial Luncheon of The Florida Bar Convention in June. Nominations for this Award must be submitted by a Young Lawyer and a written statement of no more than three pages. Criteria for this Award are excellent reputation for sound judicial decisions, unblemished record of integrity as a lawyer and judge, generally recognized by Bar Members as highly qualified, active in Bar related activities open to the judiciary, and demonstration of concern for and willingness to assist, Young Lawyers and demonstration of respect for their ability. Deadline of nominations is April 1, 1981, and should be sent to Stephen Brewer, 302 South Washington Avenue, Titusville, Florida 32780.

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### Will Advertising Expose Lawyers To Greater Malpractice Liability?

In 1977, the Supreme Court gave lawyers the right to advertise, and indications are that this has helped to lower the costs of legal services to consumers. But will advertising have an effect on the malpractice exposure of lawyers who advertise? David J. Beck, writing in the November 1980 issue of *The Brief*, suggests that it will.

Beck, past chairman of the Economics of Law Practice Committee of the American Bar Association's Tort and Insurance Practice Section (TIPS), warns that lawyers who advertise may find themselves liable under an expanded list of malpractice theories. These may include, he says, false or deceptive advertising, stricted negligence standards for advertising a specialty, or in some instances even a warranty theory.

Beck notes, for example, that in medical malpractice cases some jurisdictions hold specialists to a higher standard of care than is applied to general practitioners. In the past, this has not been true in legal malpractice actions, but Beck argues that since the ABA Code of Professional Responsibility now allows a lawyer to advertise his or her specialty, and "since many jurisdictions now officially recognize an attorney's specialized skill or knowledge, a higher standard of care will probably eventually be recognized. A client who retains an attorney specializing in the area in which the client has a problem is cer-

tainly entitled to expect the attorney to possess a greater degree of competence."

Advertising could also open lawyers to totally new theories of liability. A claim for false advertising, for example, would be inconceivable if there were no advertising. A client trying to use a false or deceptive advertising statute could have a problem, because most such statutes only provide for a criminal penalty. Beck notes, however, that they generally do not *exclude* the possibility of a person using them to maintain a private suit, and says that, "until a court in a particular jurisdiction concludes that . . . no such implied cause of action exists, it is certainly arguable that violation of a false advertising statute by an attorney also subjects him or her to civil liability."

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### WELCOME NEW MEMBERS

CHARLES H. BRODZKI, a native of Fort Lauderdale, Florida. Received his undergraduate degree from Wharton School-University of Pennsylvania, and his law degree from the University of Miami. He is associated with F. Ronald Mastriana in Fort Lauderdale.

BARRY E. CHAPNICK, a native of Putnam, Conn. Received his undergraduate degree from the University of Connecticut and his law degree from the University of Florida. He is associated with Ruden, Barnett, McClosky, Schuster & Russell in Fort Lauderdale.

DWIGHT D. HOPKINS, a native of Buffalo, N.Y. Received his undergraduate degree from Union College and his law degree from Cornell University. He is associated with

Hodgson, Russ, Andrews, Woods & Goodyear in Fort Lauderdale.

JAMES SMITH, a native of Rochester, Indiana, received his undergraduate degree from Indiana University and his law degree from the University of Notre Dame. He is associated with Wicker, Smith, Blomqvist, Davant, Tutan, O'Hara and McCoy in Fort Lauderdale.

CHARLES R. STEINBERG, a native of Philadelphia, Pa., received his undergraduate and law degrees from the University of Florida. He is associated with Holcomb, Theriac & Steinberg in Fort Lauderdale.

HARRY STEWART, a native of Daytona Beach, Florida, received his undergraduate and law degrees from the University of Florida. He is General Counsel, Broward County, Florida.

GEORGE SCHWIND, a native of New York City, received his undergraduate degree from Seton Hall University and his law degree from New York Law School. He is associated with Yablin & Schwind in Hollywood.

ERIC P. TURNER, a native of Edina, Minnesota, received his undergraduate degree from the University of Wisconsin at Madison and his law degree from Emory University School of Law. He is associated with English, McCaughan & O'Bryan in Fort Lauderdale.

JAMES E. WANLESS, a native of Springfield, Illinois, received his undergraduate degree from Stetson University and his law degree and L.L.M. from Stetson College of Law. He is associated with DiGiulian, Spellacy & DiChiara in Fort Lauderdale.

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## CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservations
12/11/80	Corporation, Banking & Business Law Section	CLE Seminar	Ft. Lauderdale City Commission Room, 100 N. Andrews Avenue Ft. Lauderdale 8:30 A.M. - 1:00 P.M.	<b>764-8040</b>
12/19/80	BCBA	General Meeting	Pier 66, Panorama Room 2301 S.E. 17th Street Causeway Ft. Lauderdale 6:30 P.M.	<b>764-8040</b>
12/20/80	Young Lawyers Section	Christmas Boat Parade	Hillsboro Inlet Pompano Beach 5:00 P.M. - \$15/Person (Bring your own picnic dinner; limited to 80 persons)	Martha Snedaker 942-8760 or 973-1320
1/6/81	BCBA	Robing Ceremonies	Bailey Concert Hall 3501 S.W. Davie Road Davie, Florida	
1/13/81	North Broward Bar Association	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Hwy. Pompano Beach 12:00 Noon	William F. Sullivan 781-7600



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